THE KING's Right of Indulgence IN SPIRITUAL MATTERS, WITH The EQUITY thereof, Aſſerted.

BY

A Perſon of Honour, and Eminent Miniſter of State lately Deceaſed.

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TO THE READER.

IT was the Opinion of the Great *Lord Verulam*, That *Books* (ſuch as in earneſt deſerve *that Title*) need no other *Patrons* than *Truth* and *Reaſon*. Let the *Abortives* of the *Preſs* Court your favour; This *Treatiſe* ſecurely Appeals to your *ſevereſt* (provided it be but unprejudiced) Judgment.

It was Compoſed divers years ago, by the Dictates of a *NOBLE PERSON*, of *whom*, when I have ſaid, That he was an Eminent *Miniſter of State*, a known *Proteſtant*, and one of the moſt Studious Gentlemen of our Age, equally diligent and happy in Reading both *Books* and *Men*, I ſhall have expreſs'd but part of His Character: The reſt of which, when you have peruſed this *Elaborate Diſcourſe*, you will better be enabled to ſupply by thoſe Idæa's of *Veneration*, which it cannot but raiſe in minds that have any reſpect to *Truth*, *Piety*, or *Learning*.

As the *Dead* can neither *Cajole*, nor be *Flatter'd*, ſo ought they not to be *Envied*; you have here the free and well-poiz'd Thoughts of a late *Peer of England* on this Important matter, long before His *preſent Majeſty* came to the Crown.

All that I can pretend to, is the Honour of being a little Inſtrumental to hand *That* forth to publick Light, which I thought was too *valuable* to be doom'd to the Obſcurity of a *private Cloſet*; as being unwilling the *Inquiſitive*

ſitive World ſhould be deprived of one of the moſt *accurate Pieces* that have been, or perhaps can be, Written on this Subject.

If any thing therein occur leſs ſuitable to preſent *times*, you are deſired to remember how *long ago* it was Compiled; And withal to Pardon any *Errors* of the *Preſs* that may have eſcaped *Correction*. Which is all I thought neceſſary you ſhould be Advertis'd of, by

Black-Fryars,
Octob. 26.
1687.

Your Humble Servant,

HEN. CARE.

THE

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THE King's Right OF INDULGENCE In Spiritual Matters, ASSERTED.

CHAP. I.

The Meaning of the Title.

1. TO explain the meaning of the Title of this Work: It may be inquired firſt, what is meant by the word *Right?*

The *Civilians* ſay that Right is the ſame with Juſt; that which is conſtituted by right Law, and by juſt and lawful means, that is Right.

Juſtinian called the Law *Right*, *Rectum*; ſo the *French* ſay *Droict*. That which the Civil Lawyers term, what is according to the *Præſcripts and Rules of the Civil Law.*

The ſame ſignification it bears in our Law, and our antient Authors call it *Jus*, as *Right of Poſſeſſion* and *Right of Property.*

And if a Tenant in Fee make a Leaſe for Years, and afterwards releaſe all his *Right*, his whole Eſtate is thereby paſt away, and what he had by *Law*, he hath given away by this Releaſe of his *Right.*

That which we call a Man's Right, is that which is *due*, which by Law and Juſtice he ought to have.

Lib. feud. 2. tit. 2. ſſ. 2. & tit. 3. ſſ. 1. Idem quod juſtum id eſt quod recto jure Conſtitutum.

Inſtit. de fidei commiſ. hæred. Secundum juris civilis præſcripta & regulas.

Bracton, *l.* 5. *de exceptionibus, c.* 28. *ſſ.* 2. *fol.* 434. *Jus poſſeſſionis. Jus proprietatis.* Cook on *Littleton*, f. 345.

2. Next, We may conſider the *King*'s *Right*, which is, what the Law and Juſtice gives to the King, that which is due to him.

The Right of the King of *England* is *no new upſtart Right*, but of great *Antiquity*, injoyed by his Predeceſſors from the beginning of Government amongſt us. It is no Uſurped Right, but deſcended to him from his Royal Anceſtors, by *Succeſſion* and *Inheritance*.

It is *no diſputable Right*, but certain and clear, defined by the known Laws of this Kingdom, and general Conſent of his People, who have ſubmitted thereunto.

It is no *Subordinate Right*, our King acknowledgeth no Superior, his Empire is Independant, under God, and as Soveraign by Law, as any Prince's in Chriſtendom.

3. Of the *King*'s *Grant*, may be our next Argument, wherein I intend not to argue the ſeveral ſorts of the King's Grants under the *Great Seal*, the *Privy Seal*, or his *Sign Manuel*, and the force of ſuch Grants.

This is not our preſent buſineſs, but the meaning of the King's Grant, as we intend it, is, where he gives or beſtows his Favour and Indulgence to any of his Subjects, by ſuch ways and legal Conveyance or Grant thereof, as is Valid and Effectual, to thoſe to whom it is made, be it under the Great Seal or otherwiſe; this is meant by the King's Grant.

And it is the Honourable Intention of the King, that all his Grants ſhould be *effectual* and *valid*, as the Grants of *a King* ought to be, elſe his Officers do not their duty.

4. We may now inquire the meaning of *Indulgence*.

Spieg. *Is cui alimenta relicta fuerant in metallis, damnatus.* *Dd. in exped. ard. de Por. c. ult. l. 6.*

The word *Indulgentia*, was properly uſed for the leaving of Victuals for one, who is condemned to the Mines.

It comprehends generally a *Permiſſion*, a *Condeſcention*, a certain *Lenity* or *mildneſs*; So it uſed in the Civil Laws, and the *Canoniſts* take it for *a Pardon*.

It comprehends a *Recovery* or Reſtitution of Dignity, Lands, and of all things loſt.

Spieg. *Lib. in quaſt. 13. ff. 4. cap. le Sen. paſſ. & reſtit. 9. in Extra. de Pæn. & remiſ. L. 2. 3. 11. C. de ſent. paſ. Briſ.*

Moſt pertinent to our purpoſe is the Senſe, wherein the *Gloſs* takes it, that it means *a relaxation of Puniſhment*, which one is to undergo for his Offences, a grant of the Prince's Clemency, by which a Subject is *freed from Puniſhment*, and in this ſenſe doth the Law of *England* alſo mean *an Indulgence*, and is the ſame with *a Licenſe*, an Exemption, a Pardon, or a Diſpenſation.

5. We may likewiſe inquire the meaning of *Spiritual Matters*; by them are meant, ſuch matters as concern the *Soul* or Spirit, ſuch

ſuch as concern the Worſhip of God, in Doctrine and Diſcipline.

It is no looſe Conſideration, by what Care and Coſt Kingdoms and States ſhould be preſerved, being they derive and uphold all happineſs to Men. The only infallible ground of their preſervation is *true Religion*, the worſhip of God in Spirit and in Truth. Seneca *Epiſt.* 27.

And though *ill manners* are by accident, the cauſe, or rather occaſion of *good Laws*, which are better in *execution* and beſt in *obedience*, yet *good manners* cauſe obedience, and Religion begets *good manners*. *Ex malis moribus bonæ leges.*

Spiritual matters are matters of Religion, but Religion cannot conſiſt without *Publick Exerciſe* and action, and the requiſits thereof.

If the Expreſſion *Spiritual*, be interpreted by the contradiſtinct member *Temporal*, it ſeems to direct us to underſtand ſuch matters as concern Eternity, for that is the true oppoſite to what is *Temporal*. *The things that are ſeen are Temporal; and the things that are not ſeen, are Eternal.* This we mean by *Matters Spiritual.* P. Nye *of the Kings Supremacy.* 2 Cor. 4. 18.

6. But it may be now not improper to expreſs in the *negative*, what I do not mean by this Indulgence, and then what I do mean by it.

By *Indulgence* I do not mean that a toleration ſhould be granted by the King of any known Blaſphemy or Sin. Neither do I mean ſuch Indulgences whereof *Luther* complains, that for Money Indulgence was granted for Sin, and redemption out of Purgatory; ſurely none can pardon Sin but God alone, and Money got by ſuch means periſheth with the getter.

7. But in the affirmative, by Indulgence in Spiritual matters, is meant a permiſſion of *Liberty of mens Conſciences, in matters not ſinful of themſelves, and whereby there is no diſturbance of the Publick Peace.*

That where Men out of tenderneſs of Conſcience cannot ſubmit to ſome particulars injoyned by Authority, in matters touching God's Worſhip, fearing or doubting, leaſt if they ſhould do it, they ſhould offend God, and hazard the ſalvation of their precious Souls; and upon theſe grounds do not conform, yet live peaceably.

For an Indulgence and Permiſſion to theſe Perſons to ſerve God as they think moſt for the good of their own Souls, eſpecially when they agree in Fundamentals with the reſt of their Brethren. That theſe may not be puniſhed in their *Eſtates* or *Liberties*, much leſs in their *Lives*, for Nonconformity. This is that Indulgence which is meant in matters Spiritual.

CHAP. II.

That from Grounds of Policy, Indulgence in Spiritual Matters is fit to be granted.

1. IT will be needleſs to diſcourſe of the King's Right to grant Indulgence in Spiritual matters, unleſs it be fit and expedient that ſuch Indulgence be granted.

If it be not fit to be granted, the King will not grant it, his wiſdom and affection to his People, will diſſwade him from it; therefore before we proceed any further in this Argument, it will not be impertinent to enquire, whether ſuch Indulgence be fit to be granted or not.

And it ſeems to me *very clear*, that *it is fit to be granted*; and that firſt from grounds of *Polity*.

The chief grounds of Polity is the preſervation of the *Publick Peace*, to which nothing more conduceth, than the granting ſuch Indulgence. Other grounds of Polity therein, are the incouragement of *Trade*, the increaſe of *People*, their *dependance upon the Prince*, and the *quieting of mens troubled minds*.

Upon all which grounds is inferrd, and that in Polity, the granting of ſuch Indulgence; and we ſhall take the liberty to treat ſomewhat of them in order.

1. It ſeems fit, for the better preſervation of the *Publick Peace*, that ſuch Indulgence be granted. *Tacitus* notes, *That it is ſafer to let paſs things grown up and ſtrong in diſcrepancy, than to provoke them to future diſcords.*

When things are old and rooted, they labour in vain, who would remove them by *violence*, the ſhaking of them makes them but the *firmer*. To unite Men in Religion by force, is to cauſe *the Sword* to be drawn, which is not ſo eaſily ſheathed again.

French Hiſtory, H. 4. Princes well adviſed, have never put ſome of their Subjects to death, to make others believe, that they have not waſted their Provinces by War, but to inſtruct the Conſciences of their Subjects by the Sword; knowing that Religion is an act of Union, Concord, and Inſtruction; War nothing elſe but Miſery and Deſtruction. And they who have moved *Heaven and Earth*, that is, have made uſe of every Engine to force the Conſciences of their Subjects, into the *ſame Religion*, have been conſtrained at laſt to deſiſt, rejecting the Counſels of bad Phyſicians, who have nothing

b[ut]

but *Stibium* and *letting of blood*, for all ſorts of Diſeaſes. Where *Liberty of Conſcience* cannot be enjoyed, the Canker of *Civil Diſcord* frets and eats till it can break forth into *open Sedition*. But by granting an Indulgence, both their Minds and Perſons become *peaceable*.

2. That this is ſo, appears from the Examples of ſome of our Neighbours, who had many troubles and much diſturbances of their Peace, before Indulgence was granted to *Diſſenters* among them, and much Peace and Security after it.

This was the caſe of the *Netherlanders*, whom their Governours could not retain in Peaceful Obedience, till they had granted this Indulgence, which with them is very large, yet is eſteemed a chief cauſe of their Peace and Civil Unity; nor do any flouriſh more in Trade and all Security.

That wiſe and gallant Prince, *H.* IV. of *France*, ſaw ſo great Miſchiefs in his State, and ſuch a flood of Civil Diſſention, for want of this Indulgence, that he thought fit to grant it, and told his Parliament, That Neceſſity and Utility moved him to do it by the Advice of all his Council, who found it good and neceſſary for the State of his Affairs, and the good of his Service, to confirm the Indulgence, and to diſſipate thoſe unhappineſſes that Diſcord had produced, and it would be found equally prudent, peaceful and happy, for every Prince to follow this Example.

3. That by ſuch *Indulgence* the *Peace* will be the better preſerved, appears further by Examples of elder times, Chriſtians have been ſo ſtrangely hated and perſecuted in the Birth of the Church, that ſome gave them no other Names but of *Impoſtors*; others accuſed them of the injury of the *Air*, of the ſterility of the *Seaſons*, of the overflowing of *Rivers*, and of *Earth-quakes*.

But the Emperour *Adrian* would not that they ſhould be curiouſly ſearched into, as to the matter of Religion; and *Antoninus* his Succeſſor, commanded that he that accuſed them ſhould be *burnt alive*.

After the whole Empire had found the publique Proſecutions of *Dioclefian* and *Maximinius* to be vain and fruitleſs, and that for one Chriſtian they cauſed to be Burnt, an *hundred* ſprang up out of their Aſhes; their Succeſſors found it true, That Kings have not the ſame command *over Hearts as over Bodies*. That Religion could not *be forced*, that Truth could not be joyned with Violence, nor Juſtice with Cruelty; and that there is nothing ſo free as Religion, nothing ſo voluntary; that the Permiſſion and Indulgence of that freedom

Curtius L. 7. *nemo Rex perinde animis imperare Poteſt.*

freedom tends moſt to the preſervation of *Publique Peace*, a main ground of all Polity.

Pagans have Indulged *Chriſtians.*

Pagan Princes have found it ſo, by Indulging the Chriſtians. And it was Objected againſt *Decius*, that his want of Moderation towards the Chriſtians, robbed him of the Title of a Great and Righteous Prince.

Chriſtians have Iudulged *Pagans.*

Chriſtian Princes alſo have Indulged *Pagans*, and would not have Paganiſm among them to be Puniſhed.

The Emperours *Honorius* and *Theodoſius* though burning with the Zeal of advancing their Religion, yet would not that the Heathens ſhould *be forced* to be Chriſtians; and required of all Judges and Preſidents of Provinces, not to trouble them, ſo long as they did live without Diſturbance or Sedition. It were hard for Chriſtians to deny the like favour and Indulgence to one another.

Jews have been Indulged by *Pagans.*

The *Jews*, although irreconcilable Enemies to the Ethnicks, and to the multitude of their Gods, yet have they dwelt with the greateſt ſecurity among the *Grecians*, *Parthians*, *Medes*, *Elamites* and *Meſopotamians*; none ever chaced them out of the *Roman* Empire, they have had there in all times *their Synagogues*, eſpecially under *Nerva* and *Antoninus Pius.*

And by *Chriſtians.*

They have lived peaceably and been Indulged in *England*, *France*, *Spain*, and other Countries, and whereſoever they were driven out of any Kingdom, it was not for *their Religion*, but for their *Uſuries* and great *Cruelties*; and it would be hard to ſee theſe in quiet who *deny Chriſt*, and Proteſtants hurried to Priſon for diſliking Surplices or ſome little things.

Doubtleſs, A violent way of *force* will never be found a way to preſerve *Peace*, where a mild way of Indulgence is open, and having been taken, it appears by Examples both of *elder* and *latter* times, that it hath been found by Princes, the beſt way to preſerve their Tranquility.

4. Upon the grounds of Polity, from the conſideration of the the preſent ſtate of our Affairs in *England*, it ſeems fit that this Indulgence be granted, and that thereby our Peace will the better be preſerved.

The Baltique and other deep Seas being once moved by Tempeſts, do ſwell and rowl high for many hours after, and a ſmall new Storm raiſes them yet much higher.

After hideous Storms of Civil Diſcord in *England*, the Affairs thereof through the miraculous goodneſs of God in his Majeſties Reſtoration, are come into a calm ſtate, yet the more apt to *rage*, becauſe ſo *lately moved*, and therefore ſurely all Tempeſtuous

ſtuous courſes are to be avoided, and Provocations laid aſide.

There are *three* ways of ſtopping Commotion from raging again, by *Force*, by *Extirpation*, or by *Indulgence*.

If Force be uſed to keep *Diſſenters* quiet, and to compel Conformity, this Force cannot be maintained without a vaſt *Charge*; this Charge will increaſe *Diſcontent* in them and others; that muſt cauſe *increaſe of Force*; that again, *increaſe of Charge*; and that, of *Diſcontent*; and ſo it will run round in a courſe of unhappineſs and unſetledneſs.

It were Impiety in a Prince to be angry with his *own* Countrey, he ought rather to imitate good Phyſitians, who having uſed *ſharp* Remedies without profit, do apply *ſweet* ones.

Thoſe who are for an Extirpation of the *Nonconformiſts*, would un-people their Native Countrey, diſarm their Prince of *ſo many thouſands* of Strong and Valiant Subjects, abate their own Revenue, and the publique Wealth and Trade, to enrich Foreign Countries. Some mercileſs Fancies would force a Conformity on *Pain of Death*, a ſure way of Extirpation.

Such Tyrannous men are like their Predeceſſor, infamous in Hiſtory, who would have all conform to his *Stature*; thoſe who were not ſo *tall* as he, to be racked out to his *length*; thoſe who were *taller* then he, to be *cut ſhort* to the length of his Bed.

Certainly there is as much difference in *Judgments* as in *Statures*, and as little reaſon to except againſt the one as the other, or to impoſe Conformity in *Opinion*, as in *Complexion*.

But theſe (who are no kin to *Moſes*) fancy Impoſſibilities when they fancy an Extirpation; by theſe means did the Maſſacre in *France* Extirpate thoſe of *the Religion?* It did indeed thoſe who were Murthered, but it made the *Diſſent* to grow.

They are like *Camomile*, the more they are bruiſed and trod upon, the more they *flouriſh*, as the ſtories of the Church do manifeſt.

In the laſt and beſt place it will be found that the granting of Indulgence is the ſureſt and moſt probable way of preſerving the Publique Peace.

But hereof there will be occaſion to Treat more at large in a following Section.

5. Another ground of Polity for the allowing of this Indulgence, is for the Advancement of the TRADE of the Kingdom.

The *Diſſenters* are generally *Sober Induſtrious Trading men*, not Debauched *Drones*, Born only to conſume *Corn and Wine*; but ſuch as can do more Service for their Prince than meerly to *Drink his Health*.

Health. Every Trader, Merchant, or Artificer, bringeth *Wealth* to the Publique, and adds to the Kings *Revenue*; they are conſiderable Members of a *State*, and add much to common *Riches* and *Safety.* Merchants are *honourable*, and Artificers had the title of *Fathers*, and both deſerve encouragement.

But without *this Indulgence*, there will need *no Law* to baniſh multitudes of theſe men, they will *baniſh themſelves*, if they cannot enjoy their deareſt intereſt, *the Liberty of their Conſcience.*

If this be denyed them in their native Country, they will ſeek it in the *remoteſt Regions*, rather than not enjoy it. And they will be *welcome* whereſoever they go. Even *Pagans* will allow them *this liberty*, if their fellow Proteſtants will not.

But I ſuppoſe and hope that no ſober *Engliſh man* will think of any ſuch way as *extirpation*, by baniſhment or death of thoſe who differ in Opinion from them. If theſe Diſſenters be encouraged by Indulgence, it will highly tend to the advancement of the *Trade* of the Kingdom. If they be forced out of it, the *Nobility* and *Gentry* will find it in the decay of their *Rents*; the King will find it in the emptineſs of his *Coffers*; and the People, as well as their Prince, will be ſenſible of the miſchief upon any conteſt with *Forreigners.*

6. Another ground of Polity for the granting of this Indulgence is, That thereby *the People of the Kingdom will be increaſed*, they will be kept from going out of it, and live comfortably, and increaſe within it. But by denyal of this Indulgence, the great numbers of People and their Children, and Childrens Children, which will leave the Kingdom, and be born, and inhabit *other* Countries, will diſpeople and weaken *England.* The ſtrength and wealth of a Prince and People conſiſts in *their multitude*; happy is that Prince who hath *his Quiver full of People. He ſhall not be aſhamed when he ſpeaks with his Enemy*; but the loſs of every ſingle Induſtrious Man, is a loſs both to King and Kingdom. It was the bleſſing to *Abraham*, that his Seed ſhould be as the *Stars of Heaven* for multitude, and therefore God would have his Name called *Abraham*, for a *Father of many Nations have I made thee.* And the Word *Abraham*, ſignifies a *high Father of a multitude.* Every Prince is *a Father of* his Country, and the more Subjects he hath, the more *Children* he hath, and the more happy and *ſtrong* he is, and the loſs of any one, is the loſs of *a Child* to him. It was the anſwer of Queen *Elizabeth* to her Parliaments advice for her *to marry*, that ſhe might have *Children* to ſucceed her, That *every Engliſh man was her Child.* Now the granting of this Indulgence

Gen. 17. 5.

Pater exceſſus multitudinis.

gence will keep the *Children* at home with their *politique Father*, whoſe Riches, and Honour, and Strength, will be increaſed by their increaſe. But by driving them away, the Prince will loſe *his Children*, impare his Revenue, and weaken his Kingdom, incourage a Forreign Invaſion, and Domeſtick troubles.

7. Another ground of Polity for this Indulgence, is becauſe thereby the Perſons to whom it is granted, will be brought to an *intire dependence* on their Prince who grants it. No intereſt in the world is ſo dear to theſe *Diſſenters* as the liberty of their *Conſcience*; and where they have *this*, the intereſt of it obligeth them to *be faithful* to that Power which gives it, elſe they are not faithful to their own intereſt. Nothing binds more firmly than *Intereſt*, and no intereſt is more ſtrong to bind, more beloved, or more deſired than this Freedom, and therefore bindeth thoſe to faithfulneſs where they have it. Subjection is due in regard of *Protection*, and where theſe Men have the liberty of their Conſciences from a Prince, the intereſt of preſerving that Liberty obligeth them to be faithful to, and to preſerve *his Power*, by which this *great intereſt* of theirs is preſerved. If the Prince fall who grants this Liberty, the Liberty falls *with him*, they that will maintain the *Gift*, know that they muſt ſupport the Giver alſo. It is *ſafe* for a Prince by ſuch ways, to oblige his Subjects, eſpecially ſuch as *theſe*, who are for the moſt part of *conſtant*, *ſtout*, and *induſtrious Spirits*, to a dependance on him, whoſe ſervice will be the more available to him. And it is their *Tenet* that this Indulgence cannot be enjoyed with ſo much certainty and ſtability under any other, as under their *native Legal Government*. Religion hath its name from *binding*, and there can be no firmer bond of Subjects to their Soveraign, than when they enjoy the freedom of their *Religion* from their Princes favour; and the continuance of this higheſt comfort and intereſt, depends upon the ſafety and good of him that grants it.

8. The laſt ground of Polity which I ſhall now mention for the granting of this Indulgence, is, becauſe thereby *Mens minds will be ſatisfied*. Whilſt *Diſſenters* are in doubts and fears leaſt they *may be puniſhed* and perſecuted for their Diſſent, whilſt they ſee and feel *Laws* rigorouſly executed upon them, or others in the ſame condition, this perplexeth their thoughts, diſturbs them in their buſineſs, cauſeth them to tranſport their Stocks or part of them into other Countries, and ſometimes their *Perſons* and Trades with them, which hath been no ſmall detriment to *England* heretofore, and may it be ſo no more. But by ſuch *Indulgence* Mens

minds will be quieted, they will chearfully and undiſturbed follow their Vocations, whereby Trade will be promoted, and the Wealth, Strength, and Peace of the *King* and his Kingdom will be advanced.

CHAP. III.

That from Grounds of PIETY it is fit to grant Indulgence in Spiritual Matters.

Matt. 2. 12. 1. I Shall conſider the ground of *Piety*, *To do as we would be done unto*, which is part of our *Saviour's* Sermon, *Whatſoever ye would that men ſhould do to you, do ye even ſo to them*; and he is pleaſed to give a Reaſon of it, *For this is the Law and the Prophets.* If a *Diſſenter* might expoſtulate with one in Authority, and ſay to him, What if mens Opinions ſhould alter? or if I were in Authority, and you in Obedience, would you think I did *well* to impoſe things upon you againſt your *Conſcience*, and to compell you to do them, or elſe to ruine you, and your Wife and Children? The man in Power doubtleſs would anſwer, When it was his own caſe to ſuffer, *It is againſt the Rules of Piety ſo to impoſe upon me, and to force me to do againſt my Conſcience:* and may not a preſent Sufferer ſay the ſame to an Impoſing Power? He might ſay, or enact that another ſhall be ruined becauſe he differs from the Impoſer *in Countenance*, with as much Reaſon and Piety, as becauſe he differs in *Opinion*. He will one day find the truth of that Scripture, Luke 6. 38. *With the ſame meaſure that ye meet withall, it ſhall meaſured to you again.*

Eph. 4. 32. 2. Another ground of *Piety*, for this Indulgence, is from that Rule of the Apoſtle, *Be ye kind one to another, tender hearted.* And ſurely theſe are too far from it, who have no kindneſs or regard to tender Conſciences. The ſame Apoſtle demandeth, *Why is my liberty judged of anothers Conſcience?* implying, that it ought not to be ſo, none can judge of anothers Conſcience but God. To be *tender hearted* to a Brother, is the way to gain *tender mercies* from our Heavenly Father; and to be kind to others, will gain kindneſs to our ſelves in the concluſion. But for anothers Conſcience to judge of my *Liberty*; to impoſe upon others Conſciences who differ from us, and vigorouſly to require them to obey *Man* rather than *God*, (as they eſteem it) To order their Conformity to ſuch things

things as they ſcruple in their Conſciences (and it *is Sin* to do what We *doubt* is *unlawful*) To exact theſe things from their Brethren, on pain to be ruined, to loſe their Eſtates, Liberties, and Lives too, if they do not Conform; this will hardly be judged at the Great Day, to have been *kind to one another*, or to have been *tender-hearted*. But to bear with the Infirmities of others, to indulge them in ſuch things as are not ſinful in themſelves, not to force their Conſciences; this is agreeable to the Rules of Chriſtianity, and is a ground of Piety for granting this Indulgence.

3. Another ground of Piety for the ſame, is, That we are to *leave it to God* to perform his own Works. We ought to leave the triumph and conqueſt of *Souls* to the eternal Wiſdom, who re-makes and faſhions *Hearts* as he pleaſeth, and gives the Signal to ſo many ſtraying Souls to cauſe them to enter into Salvation, it being impoſſible for *Men* to impoſe any neceſſity upon things which God hath left *free*, as mens *Conſciences* are, which ought to be *as free* in a State as their *Thoughts*. And thoſe who impoſe upon them, and would *help God* by that way to ſave Souls, preſume too much upon their own judgments, and have too little veneration of God's omnipotence. What he hath commanded, his *Vicegerents* are to ſee done, but no command of ſuch *impoſing* is to be found; rather to be believed that God hath *reſerved* the directing of thoſe things to himſelf as his own Work. It was wiſe Counſel of the Doctor of the Law, *Gamaliel*, to the Publick Aſſembly, *Refrain from theſe men, and let them alone; for if this Counſel, or this Work be of Men, it will come to naught; but if it be of God, ye cannot overthrow it, leſt happily ye be found even to fight againſt God.* It were well if ſome in our Age had taken this Counſel, and left the Works of God to be done by God, who is more wiſe and able to perform them, than his poor, ſinful, weak Creatures are. If that which is called by ſome a *Schiſm*, be formed in a State, or that which others call *Evil*, be grown old, it will be difficult to ſhake that which is deeply rooted, eſpecially by the weak hand of feeble *Men*, but *God* will ſurely root it up, if it be *Evil*.

Hiſtory of France, H. 4.

Acts 5.38,39.

4. Another ground of *Piety* for this Indulgence is, becauſe the ſubject matter is altogether *Spiritual*. It is excellently ſaid by Biſhop *Taylor* on this ſubject: That to believe ſo, or not ſo, when there is no more but *meer believing*, is not in the Magiſtrates power to *enjoyn*, therefore not to *puniſh*. And it is not only lawful to Tollerate diſagreeing Perſwaſions, but the authority of God only

Biſhop Taylor's Liberty of Prophecying:

ly is competent to take notice of it, and fit to judge, becauſe Infallible to determine it. And therefore (ſaith the Biſhop) *No Humane Authority is ſufficient to do thoſe things which can juſtify the inflicting Temporal Puniſhments upon ſuch as do not conform in their Perſwaſions*, to a Rule or Authority which is not only *fallible*, but ſuppoſed by the diſagreeing Perſons to be actually *deceived*. And none can judge between them in this Spiritual matter, but God alone. If men ſhall do deſpite to the *Spirit of Grace*, God will Puniſh them with much more Severity than this World can execute, as the Apoſtle Notes, *For we know him that hath ſaid, Vengeance belongeth unto me, I will Recompence, ſaith the Lord: And again, The Lord ſhall judge his People. It is a fearful thing to fall into the hands of the living God.* By this and ſundry other Texts, it ſeems to me not obſcure, that God reſerves to himſelf the Puniſhment of matters meerly *Spiritual*, and which are not *Sin* in themſelves, or but doubtful; in thoſe caſes he would not have the *Civil Magiſtrate* to determine and puniſh. But if he do impoſe upon Gods Servants, and Perſecute them as *Evil doers*, when perhaps they are *not ſo* (which in theſe Spiritual matters no man can judge) This will be to tread under foot the Son of God; and if the *Nonconformiſts* ſhall do ſo, or the *Impoſers* ſhall do ſo, *Vengeance is Gods*; a temporal Magiſtrate cannot inflict a Puniſhment according to the demerit.

Heb. 10. 30. 31.

5. A fifth ground of *Piety* for this Indulgence is from the *practice of the Church* in the beſt times. The Church hath always deteſted Hereſies, and yet the Puniſhments which ſhe hath uſed, have been more *Shameful* then *Cruel*, more *Medicinal* than *Mortal*, loving rather to ſee their Faces *Bluſh* with *Shame*, then their Veins emptied of *Blood*. When *Germanus* and *Lupus* came into *Britain* to confute the *Pelagian Hereſy*, they uſed no *violent means* to do it, but allowed *freedom of diſpute* to the *Heretieks*, and permitted their Gagling Loquacity. The Weapons which they uſed againſt them were Torrents of *Eloquence*, with Showers of Apoſtolick and Evangelical *Truths*, *Modeſt Aſſertions*, and eſpecially *Divine Teſtimonies*, which ſooner and better Convinced the Oppoſites, then *Tortures* could have done. The Emperour *Theodoſius* ordained great Puniſhments, but he *Executed none*. He would reſtore his Subjects to the Concord of Religion and of Divine things, more by *ſweetneſs* then by *force*, more by *favour* and by *love*, than by *cruelty* and *puniſhment*, which were true grounds of Piety for his Indulgence, and a Pattern worthy Imitation. The four firſt *Councils* did not uſe other Arms againſt *Diſſenters* than the *Word of God*.

Math. Weſtm. p. 152.

Copiam diſputandi proponendiq; adverſarijs probuerunt, loquacitatis; garritum evomere permiſerunt.

That

That of *Nice* of 300 Biſhops againſt *Arrius*. That of *Conſtantinople* of 150 againſt *Macedonius*. That of *Epheſus* of 200 againſt *Neſtorius*, and 630 againſt *Eutiches*. Theſe *Reverend Fathers* held, that Hereſy is an *Obſtinacy of Soul*, which is not ſubjected to the Torments of *Bodily Death*. That Puniſhments do rather diſcover and give breath to the *Sect*, than ſmother and ſtrangle it. And that Puniſhments are of no uſe, except it be to break the Bonds of *Affection*; for meeting with Souls ſo reſolved and conſtant, it draws away more in *an hour*, then their Lives could have done in *ten years*. If the Church in thoſe times of her *Purity* were thus tender and indulgent to thoſe they eſteemed *Obſtinate Hereticks*, why may not the *preſent Diſſenters*, moſt of them being in Ceremonies and matters *not Fundamental*, be in hopes of ſuch an Indulgence as may free them from the Rigour of ſome *Laws*, and preſerve the Liberty of their *Conſciences*, which upon grounds of *Piety* is fit to be granted, eſpecially to thoſe that live peaceably.

6. From the ground of *Piety*, to avoid the effuſion of *Chriſtian-blood*, this Indulgence is fit to be granted. War (ſaith the Hiſtory of *H.* IV.) is not dead in an Eſtate, where *Conſciences* are *divided*, but only *Sleepeth*; there is nothing that doth more ſlide and ſpeedily penetrate into the Perſwaſions of men to ſtand one againſt another, than this *Religion*; every one thinks his *own way beſt*, and judgeth ſo, more by Zeal and Perſwaſion, than by Knowledge and Reaſon. From hence it hath too often fallen out, that there hath been much Effuſion of *Chriſtian-blood*, when there hath been attempts to force men contrary to their Perſwaſions; and nothing doth more allay and ſtop this Sanguinary Iſſue, than an Indulgence to theſe men; and it is a great ground of *Piety* to avoid ſuch Effuſion of the Blood of our Fellow Chriſtians. A Prince muſt not be of the mind of *Caligula*, who wiſhed that all the People of *Rome* had but *one Neck*, that with one ſtroke he might cut them all off. Nor of *Vitelius*, who when divers, by reaſon of the ſtench of *dead Bodies*, went out of the way, the Emperour went ſtreight forward through the heaps of the dead Carkaſes, ſaying, *That the dead Body of an Enemy did ſmell excellently well, but eſpecially that of a Citizen.* Nor that of *Hannibal*, who when he ſaw a Ditch full of *mens Blood*, is reported to ſay, *That it was a moſt Beautiful ſight.* Such pleaſure did *theſe Beaſts* take in Wickedneſs and the Effuſion of Humane Blood; but a good Prince and Chriſtian, deteſts ſuch Cruelty, and labours to avoid ſuch Rigors, eſpecially upon *his Subjects*, whoſe *Blood* is better kept in their Bodies, for the Defence and Service of their Prince and Countrey. Bloodineſs is

Fulgeſ. l. 3. c 11. *Suetonius. Ut uno ictu omnes interficere ſimul poſſet.*

Suetonius.

Optime olere Hoſtem, præſertim Civem.

an

Prov. 29. 10. Pſal. 5. 6. Rev. 19. 2. an oppoſite to *Right* as the wiſe man Notes, That the *Blood-thirſty* hates the *Upright*, and we are aſſured that the Lord will *abhor the Bloody man*, and avenge the *Blood of his Servants*. Nothing more *Defiles a Nation*, nor brings heavier Puniſhments on them, than the ſhedding of *Innocent Blood*. Nothing (ſaith the Ingenuous Biſhop *Hall*) hath *a louder Voice then Blood*; the Cry of it is heard from Earth to Heaven, every drop of *Innocent Blood* has *a Tongue*, and is not only *Vocal*, but *Importunate*. How careful then ought Princes and Magiſtrates to be, to avoid the Effuſion of Blood, which will ſo much *polute* the Land, if it be Innocent, and Cry ſo loud againſt them. If they would prevent this Effuſion of Chriſtian Blood, either by the Sword of War or of Peace, it muſt be by Indulgence, the moſt likely way to do it, and a ground of much Piety for it.

Biſhop *Hall's* contemplation on *Abel* and *Cain*.

Dr. *Jerem. Taylor*, his liberty of Prophecying. 521.

7. Another ground of Piety for this Indulgence, is from *the difficulty to ſearch out the truth*. The Reverend Biſhop *Taylor* gives this Reaſon for it, *It is impoſſible* (ſaith he) *for any Induſtry to conſider ſo many particulars in the infinite numbers of Queſtions as are neceſſary to be conſidered before we can with certainty determine any.* And after all the conſiderations we can have in a whole Age, we are *not ſure not to be deceived*. The obſcurity of *ſome Queſtions*, the nicety of *ſome Articles*, the intricacy of *ſome Revelations*, the variety of *Humane Underſtanding*, the windings of *Logick*, the tricks of *Adverſaries*, the ſubtilty of *Sophiſters*, the engagement of *Education*, *Perſonal Affections*, the portentous number of *Writers*, the infinity of *Authorities*, the vaſtneſs of ſome *Arguments*, as conſiſting in enumeration of many particulars, the incertainty of *others*, the ſeveral degrees of *Probability*, the difficulty of ſome *Texts*, the invalidity of probation of *Tradition*, the oppoſition of *Exteriour Arguments* to each other, and their open conteſtation, the publique violence done to *Authors* and *Records*, the private *Arts* and *Supplantings*, the falſifyings, the indefatigable induſtry of ſome men to abuſe all *Underſtandings* and all *Perſwaſions*, into their own Opinions. Theſe and thouſands more, even all the difficulty of *things*, and weakneſſes of *man*, and all the arts of the *Devil*, have made it I conceive, next to impoſſible for any man, in ſo great variety of matter, not to be deceived. If then it be ſo eaſy a matter for men of the greateſt Learning and Parts to be miſtaken in theſe matters; If it be ſo difficult a thing, for the ableſt and moſt judicious men to find out the *Truth* in theſe matters of diſpute and difference in Religious things; It would be uncharitable and againſt the grounds of Piety to *force* theſe men, who are not

all

all *learned*, nor of the deepeſt knowledge, to conform to the judgments of *others* in matters of this nature, under grievous puniſhments if they do not. But ſurely it is more conſonant to the grounds of Piety, being it is ſo very difficult (as the Biſhop ſhows) not to be deceived, and to ſearch out Truth, that an *Indulgence* be allowed to theſe Diſſenters, and that thoſe in Power do remember, that even themſelves may be deceived.

8. Another ground of *Piety* for this Indulgence, is from the *aptneſs of good men to Err*. The Biſhop hath ſhowed the difficulties which muſt be paſſed through in the ſearch of Truth, wherein learned, able, good, and pious men may eaſily be deceived. And where there is ſo much occaſion to lead them into *an Error*, it were uncharitable, and againſt the grounds of *Piety*, not to grant Indulgence to them; eſpecially if we conſider, that we are not only *uncertain* in finding out Truths in diſputable matters, but we are certain that the beſt and ableſt Doctors in Chriſtendom have been *actually deceived* in matters of great Concernment, which thing is evident in all thoſe Inſtances of Perſons from whoſe Doctrines all ſorts of Chriſtians reſpectively take liberty to diſſent. The Errors of *Papias*, *Irenæus*, *Lactantius*, and *Juſtin Martin*, in the *Millenary opinion*; of St. *Cyprian*, the *Aſian* and *African* Fathers in the queſtion of *Rebaptization*; St. *Auguſtine* in his uncharitable Sentence againſt the *Unbaptized Children* of Chriſtian Parents. The *Roman* or the *Greek* Doctors in the queſtion of the *Proceſſion of the Holy Ghoſt*, and in the matter of *Images*, are Examples beyond exception. Now if theſe *great Perſonages* had been perſecuted or deſtroyed for their Opinion, who ſhould have anſwered the invaluable loſs the Church of God ſhould have ſuſtained in miſſing ſo excellent, ſo exemplary, ſo great Lights? But then if *theſe* Perſons Erred, and by conſequence might have been deſtroyed, what would have become of *others*, whoſe Underſtanding was lower, and their Security leſs, their Errors more, and their Dangers greater. At this rate all men ſhould have paſſed *through the Fire*, for who can eſcape when St. *Cyprian* and St. *Auguſtin* cannot? But ſince good Men are ſo apt to Err, the Piety of Chriſtians did *then*, and ought *now* to indulge the *Men*, though not the *Errors*.

9. The laſt ground of *Piety* for this Indulgence, which I ſhall now mention, is from the conſideration of the *Introduction of Chriſtianity*. It is (ſaith Biſhop *Taylor*) one of the Glories of Chriſtian Religion, that it was ſo Pious, Excellent, Miraculous, and Perſwaſive, that it *came in upon its own Piety and Wiſdom*, with no other

other *force* but a torrent of Arguments and *demonſtration of the Spirit*, a mighty ruſhing Wind to break down all ſtrong Holds, and every *high Thought* and *Imagination*. But towards the *Perſons of Men* it was always full of *Meekneſs* and *Charity*, Compliance and Toleration, Condeſcention, and bearing with one another, reſtoring Perſons overtaken with an Error in the *Spirit of meekneſs*; conſidering leaſt we *alſo be tempted*. The conſideration is as prudent, and the *Proportion* as juſt, as the *Precept* is charitable, and the *Preſident* was pious and holy. Now every thing is beſt conſerved with that which gave it the firſt Being, and is agreeable to its temper and conſtitution. The Precept which the Chriſtian Religion chiefly preaches, in order to all the Bleſſedneſs in this and the other World, is *Meekneſs*, Mercy, and Charity: And this ſhould alſo help and preſerve it ſelf, and promote its own intereſt; for indeed nothing will do it ſo well, nothing doth ſo excellently inſinuate it ſelf into the underſtandings and affections of Men, as when the actngs and perſwaſions of a Sect, and every part and principle are tending to a univerſal Good. And it would be a mighty diſparagement to ſo glorious an Inſtitution, That in its *Principles* it ſhould be merciful and humane, and yet in the *promotion* and *propagation* of it, ſo inhumane. And it would be improbable and unreaſonable, that the Sword ſhould be uſed in perſwaſion of *one Propoſition*, and yet in the perſwaſion of the *whole Religion*, nothing like it. To do ſo, may ſometimes ſeem, and but ſeem to ſerve the Intereſts of a Temporal Prince, but never promote the honour of *Chriſt's Kingdom*; it may ſecure a Deſign of *Inquiſitors*, but it will much diſſerve *Chriſtendom* to offer to ſupport it by that which good Men believe to be a diſtinctive Cognizance of the *Mahumetan* Religion, from the Excellency and Piety of Chriſtianity, whoſe Eſſence and Spirit is deſcribed in theſe excellent words of St. *Paul*, "The Servant of the Lord muſt not "ſtrive, but be gentle unto all men in meekneſs of inſtructing "thoſe that oppoſe themſelves, if God peradventure will give "them repentance to the acknowledging the Truth. And as it is *unnatural*, ſo it is *unreaſonable* that *Sempronius* ſhould *force Caius* to be of his Opinion, becauſe *Sempronius* is *Conſul* this Year, and commands the *Lictors*; as if he that can *kill* a man cannot but be *infallible*; and if he be not, why ſhould I *do violence to my Conſcience*, becauſe he can *do violence to my Perſon?* There is nothing under the Almighty that hath power over the *Soul of Man*, ſo as to command a Perſwaſion, or to judge a diſagreement; and becauſe no Man's command is a ſatisfaction to the *Underſtanding*,

2 Tim. 2. 14.

or

or a verification of the Propoſition, therefore the Underſtanding is not ſubject to Humane Authority. We ſee that the greateſt *Perſecutions* that ever have been, were againſt *Truth*, even againſt Chriſtianity it ſelf; and it was a Prediction of our Bleſſed *Saviour*, That Perſecution ſhould be the Lot of *true Believers*. And if we compute the experience of Suffering-*Chriſtendom*, and the Prediction, That *Truth* ſhould ſuffer, with thoſe few Inſtances of *Suffering-Hereticks*, it is odds but Perſecutions are on the *wrong ſide*; and that is *Error* and *Hereſy*, that is *cruel* and *tyrannical*; eſpecially ſince the Truths of *Jeſus Chriſt* and of his Religion, are ſo meek, ſo charitable, and ſo merciful. And we may in this Caſe exactly uſe the words of St. *Paul*; *But as then he that was born after the Fleſh, perſecuted him that was born after the Spirit, even ſo it is now*; and ſo it ever will be, till *Chriſt's* ſecond coming. This may give us a good *ground of Piety* from the meekneſs of the Introduction of Chriſtianity, that the moſt proper way, and moſt agreeable to the example of our *Saviour*, and of his holy Diſciples, for the propagation thereof, is by the *ſame* Meekneſs, Charity, and Mercy in which it was Inſtituted, and conſequently, to give Indulgence to tender Conſciences.

CHAP. IV.

Of Supreme Spiritual Juriſdiction, *and conſequently a Right of* Indulgence *in* KINGS.

1. OF *Spiritual Matters*, ſomewhat hath been before diſcourſed; We may now, for the clearer underſtanding of the Intent of this Chapter, inquire the meaning of *Supreme Spiritual Juriſdiction*.

Supreme, is that which is the Higheſt on Earth next under *God*, according to Law. So the meaning thereof is expreſſed in the Statute of *H.* 8. *That this Realm is an Empire governed by one ſupreme Head and King, whom both the Spiritualty and Temporalty ought to obey.* 24 *H.* 8. C. 12. So another Act declareth him *ſupreme Head of the Church upon Earth.* 28 *H.* 8. C. 1. So the King is declared by an Act of *E.* 6. *Supreme Head of the Church in* England, *immediately under God.* 1 *E.* 6. C. 12.

The Oath of *Supremacy* is enacted. 5 *Eliz.* C. 5. The *Latins* from whence we borrow the Word, have it in the ſame ſenſe, for the *higheſt* and *chiefeſt*. So *Terence* ſaith, *O ſupreme Jupiter*; and *Virgil* *Pro ſupreme Jupiter.*

Supremi Montes. calls the higheſt Mountains, the *Supreme Mountains.* Supreme Juriſdiction then, is the higheſt and *chiefeſt Authority* according to Law, the ſpeaking or declaring of Law, the ſoveraign, or the higheſt lawful Authority. *Spiritual Juriſdiction* is about matters relating to *the Spirit* or Souls of Men to Eternity, wherein a King in the ſtrict acceptation of the Word, can have no Juriſdiction, for no Power can command the Spirit or Soul of Man, but God only. Accordingly, an Ingenious *French* Author holds, That one part of Man's building, the Soul, is created free for ever, and to be exempted from the yoke of Humane Power, acknowledging only the Divine Juriſdiction, as the Apoſtle intimates, *Stand faſt in the liberty wherewith Chriſt hath made us free, ye have been called unto Liberty.* The *Spiritual Juriſdiction* whereof we ſpeak, is, and can only be exerciſed upon *the Body*, concerning ſome actions which may have a relation to the *Spirit* and eternal condition of Man, wherein the Magiſtrates power is exerciſed to ſuppreſs Idolatry and Sin. Dr. *Field* ſaith, that Spiritual Cauſes are of two ſorts, ſome are originally and naturally ſuch, and ſome only in that they are referred to the cognizance of Spiritual or Eccleſiaſtical Perſons, as the Eccleſiaſtical Teſtaments, Matrimony, *&c.* And Sir *John Davis* ſaith, that for 300 Years this diſtinction of *Spiritual* (or Eccleſiaſtical) and *Civil*, was not known or heard of in the Chriſtian World. The cauſes of *Teſtaments*, *Matrimony*, &c. termed *Eccleſiaſtical* or *Spiritual*, were indeed meerly *Civil*, and determined by the Laws of the Secular Magiſtrate: for making of *Wills*, and *Marrying*, were regarded by *Heathens* as well as *Chriſtians.* But for *Cauſes* and *Perſons* Spiritual and Eccleſiaſtical, that are properly and indeed ſuch, as *Firſt-table-duties*, which concern matters of Faith and Holyneſs, and what conduceth to the eternal welfare of Mens Souls. Some hold there is a Right in the Civil Magiſtrate *more ſuo*, to give Commands, and exerciſe lawful Juriſdiction about things of that nature. And it is meant, and will in part be made appear, that as to Spiritual Matters, *a Supreme Spiritual Juriſdiction*, which is always to be intended *according to Law*, over Perſons and Matters which are uſually termed Spiritual or Eccleſiaſtical, *is in Kings.*

French *Academy*, c. 33. p 540, 541.

Gal. 5. 18.

Field *of the Church*, p. 680.

Sir John Davis *rep. Caſe of the Premunire.*

2. In the next place we may conſider the matter of *fact*, and the conſequence of the Argument thereupon. The matter of Fact will be ſhowed to be the conſtant and general practice and exerciſe of Supreme Juriſdiction in Spiritual Matters by moſt Kings and Princes, both *Chriſtians* and *Pagans*, and from the eldeſt Times

Times to our preſent Age, which will be diſtinguiſhed, and ſome particulars of this Practice, briefly noted in the following *Sections*. The conſequence and concluſion thereupon will be this.

If Kings and Princes have Supreme Juriſdiction in *Spiritual Matters*, as the practiſe thereof, and the Authorities proving the ſame, do demonſtrate that they have. It will then neceſſarily follow, that the *Right of Indulgence*, which is a part of that Supreme Juriſdiction, is likewiſe in thoſe Princes. He that hath Right in the whole, hath Right in every part thereof; and the grant of Indulgence is an Act of Juriſdiction in Spiritual matters, comprehended within the general Juriſdiction which belongs to Princes, and conſequently doth belong to thoſe to whom the Supreme Juriſdiction doth belong in Spiritual matters, and that is, to Kings and Princes.

We may begin with the eldeſt exerciſe of this Juriſdiction.

3. The firſt Exerciſe whereof, was in *Fathers of Families*, and by the ſame reaſon is proper to be in Kings, who are *Fathers of their Countreys*.

The firſt guide of the Requiſites, as to Publick Exerciſe and actions of Religion, was the original *Domeſtick Diſcipline* in Private Families, where the Father was a King and Prieſt. *Adam* directed his Sons to *Sacrifice*. *Seth*, *Noah*, *Abraham*, and the Princes of thoſe times, Fathers of Families, were Prieſts alſo. That the Prieſthood was in the Firſt-born, as in *Melchiſedeck*, who is taken for *Shem* the firſt-born of *Noah*; and in the reſt of the firſt-born, the Fathers of Families in thoſe times before *Aaron*, is admitted both by *Chriſtians* and *Hebrews*. *Abraham*, and every Patriarch or Prince within his Territory, and every Father of a Family within his Family, did exerciſe the office of *Prieſt* alſo. So it is, or ought to be at this day, That every Father of a Family is either in his own Perſon (if he be able) or by providing ſome fit Perſon (if his Eſtate will bear it) to perform *Religious Duties* in his Family, to pray and expound the Holy Scriptures there. It will not be denied, but that every ſuch Father of a Family may diſpenſe with, and indulge any of his Children or Servants to be abſent from thoſe Family-Duties, when he ſhall ſee juſt cauſe for it. And it would be hard to deny a Prince the ſame power of Indulgence to his Subjects, which is allowed to every Father of a Family, to his Children and Servants.

Calibute Downing's *Diſcourſe of the Eſtate Eccleſiaſtical*, p. 57.

4. We may in the next place look into this Juriſdiction, as it was exerciſed by the *Hebrew* Princes. *Moſes* Conſecrated, and commanded *Aaron*; and *Moſes* is ſtyled the *Prieſt of Prieſts*, and

Exod. 29. 9. Numb. 3. 10.

Rex ſummus item & Sacerdos. Jol. 1. 5. Joſ. 7.

the *Supreme King*, and alſo Prieſt, which is teſtimony ſufficient of his Supremacy in Spiritual things. *Joſhua* had the preſence of God with him, as *Moſes* had, and commanded all as he did, both Perſons and Cauſes, he built an Altar in Mount *Ebal*, and offered Sacrifices there, and read the Law to the *Levites* and *Prieſts*. *Deborah* was Propheteſs, and Judge, or Prince of *Iſrael*. *Samuel* was a Prophet, and he and moſt of the Judges of *Iſrael*, did exerciſe Supreme and Spiritual, as well as Temporal Juriſdiction in *Iſrael*. So did *David*, *Solomon*, *Jehoſaphat*, *Hezekiah*, and other Kings of *Iſrael*, and of *Judah*, whereof there is plentiful mention in the holy Story, and in thoſe Authors named in the Margin, who have written on this Subject, and it is the beſt Pattern to be followed by other Princes. The *Hebrew* Word for a *Prieſt*, ſignifies likewiſe the *Prince* of a Territory; not that Prieſthood made one a *Prince*, or did carry *Command* with it; but that Princes were chief Prieſts alſo in their Territories. Before the Law given in *Sinai*, *Moſes* had cognizance as well of *Sacred*, as of Prophane Matters together (as they were termed) without the diſtinction of *Spiritual* and *Civil*: And this appears in the Tribunals ſet up by *Jethroes* advice, and in his Judgments in thoſe Sacred Cauſes; and to him the *Appeals* were made, whether the Matters were Sacred or Prophane; and doubtleſs in the exerciſe of this Supreme Spiritual Juriſdiction, the power of *Indulgence*, where he ſaw cauſe, was not denyed him.

Bertramus, *Menochius*, *Seldenus*, *Sigonius*, &c.

5. The like Juriſdiction was in the *Heathen Princes*, who from the Preſidents of the *Hebrews* (although miſerably depraved) drew their Cuſtoms to have publick *Prieſthoods*, which were Patrimonial and Hereditary; and among them the Prince was alſo the *High Prieſt*. The *Caldean* Kings were Prieſts alſo. A Prieſt and a Prince was all one amongſt the *Ægyptians*, ſo the *Magi* among the *Perſians*, and the Prieſts of *Apollo* at *Delphos*, among the *Grecians*. *Ariſtotle* ſpeaking of Kings in the time of the *Heroes*, ſaith, That they were Rulers of matters of War and of *Sacrifices* or *ſacred* Things, which pertained to the Sacerdotal Function. In another place he ſaith, That the King was Leader or General of the War, and Judge or Moderator of *divine Things*; and to be Moderator, implies a Power and Right of Indulgence. In like manner the *Roman Emperors*, before the Birth of *Chriſt*, were their *High Prieſts* alſo. It is noted of *Julius Cæſar*, that to the end he might fully recover into his Power the Temporalty, he joyned the *Pontifical* Authority with the *Cæſarian* Power; and ſo have all wiſe Princes, his Succeſſors: And it is not improbable, where

Syneſ. *Ep.* 12.

Ariſt. *Polit.* c. 10.

Pontificiam poteſtatem cum Cæſarea potentia conjunxit.

where thoſe two Powers are joyned together, that the right of *Indulgence* was part of them. The *Muſty* among the Turks holds all he hath at the diſcretion of the *Great Sultan*. Moſt Nations of the World, after the Preſident of the Hebrews, placed the Supream Spiritual Juriſdiction in their Kings and Supream Rulers, and it were improbable to conclude that the right of Indulgence was excepted out of that Juriſdiction. Sr. *Walt. Rawleigh* in his Treatiſe of War.

6. It is likewiſe evident, That this Supream Spiritual Juriſdiction was in the Emperours, both as to *Perſons* and *matters* which were termed Spiritual. Writers of Church matters do ſhow that the Clergy for 850 years together, claimed no Superiority or Juriſdiction, but left the ſame, and ſubmitted themſelves therein to their own Princes, who took upon them the Sovereignty in the matters, and over the Perſons which were afterwards called *Spiritual* and *Eccleſiaſtical*:

By *Conſtantius* were the Biſhops *Julius* and *Liberius* Baniſhed. *Boniface* I. by *Honorius*. *Silenus* and *Virgilius* by *Juſtinian*. *Martin* I. by *Conſtantine* III. *Martin Dort. in Jub. et Lib. Platin. in Bonifac.*

Leo IV. ſubmitted himſelf in all things, great and ſmall, to the command of *Lodowick*, and offered to amend all that was amiſs by the Princes judgement. *Clauſ. 2. q. 7.*

In the ſtrife between *Donatus* and *Cæcilianus*, the matters and Perſons both Eccleſiaſtical, *Meltiades* then Biſhop of *Rome*, was appointed with others by *Conſtantine*, to determine the matter, from whoſe judgment, the parties Appealing, the Emperour appointed new Judges, from whom they appealing likewiſe, at laſt *Conſtantine* determined it, ſitting *himſelf* in Perſon. *Euſeb.* l. 10. c. 5. *Optat.* l. 1. *cont. Parm. Auguſt. Ep.* 162. 166.

Under *Theodoſius* the elder, *Damaſcus*, *Sericius* and *Anaſtacius*, complained againſt *Flavianus*, but the Prince heard and juſtified him. *Innocentius* deſiring the Emperour to appoint a Council for the tryal of *Chriſoſtomes* cauſe, it was denyed. *Theodoſ.* l. 5. c. 23. *Gozon.* l. 8. cap. 28. *Niceph.* l. 15. c. 30.

Honorius commanded *Boniface* and *Eulavius* choſen Biſhops of *Rome* in a tumult, to depart the City; and *Boniface* being reſtored, put up a ſupplication to the Prince for a Decree for future Elections, which was made by him. *Lib. Pontific in vit. Bonif. Ep. Bonif. ad Honor.*

Leo Biſhop of *Rome* made ſuit to *Theodoſius* the younger, to command a Council in *Italy*, for ſuppreſſing *Eutiches* his Error, but the Emperour appointed it at *Epheſus*, and would not be perſwaded to reverſe the Judgment. But his Son *Martian* did it upon the ſupplication of the Pope, and commanded the Council of *Chalcedon*, where himſelf ſitting in Perſon, forbad the Biſhops to defend or avouch any thing of the Fleſh and Birth of our Saviour; otherwiſe *Aug. reſcrip. Honor ad Bonif. Leo Epiſt.* 9. 12, 13, 17. *Epiſt.* 43. 50. *Concil Chalced, Art.* 1.

wise than the Nicene Creed did contain. *Justinian* saith, *We command the Blessed Arch Bishop of Rome*, &c. *to obey the Law he then made. Gregory* I. writing to *Mauritius*, useth this stile, *My Lord, my most gracious Lord, I your Servant, and Subject to your command*, and makes many submissions to the Emperour, who over-ruled him in his Episcopal Jurisdiction. *Agatho* Bishop of *Rome* 685 years after Christ, when *Constantine* I. sent for some Learned men out of the West parts, to come to the general Council, returns this Answer, *Your Princely Favour mildly commanding, our Baseness hath obediently fulfilled that which was by you commanded.* And in another Epistle, he saith, *All Bishops of the North and West parts Servants of your Christian Empire. Leo* IV. submitted himsef to *Lodowick* the Father, and afterwards confirmed his obedience to *Lotharius* the Son, promising submission to their Decrees. In the 20 Constitutions, wherein *Justinian* disposeth of crimes and causes Ecclesiastical, almost every Sentence is a command. The like in 123. Intituled of divers Ecclesiastical Chapters. The like is in the Laws of *Constantine*, *Charles*, *Lodowick*, *Lotharius*, and others. By all which, and many of the like nature which are omitted, it appears, That all the submission and obedience that Subjects do owe their Prince, was acknowledged and given by *the Clergy*, as well as others, to the Emperours. And that they did exercise Supream Spiritual Jurisdiction both over the *Persons*, and in the *matters* termed Spiritual. It would be hard then not to admit them, as a consequent thereof, the Right of *Indulgence* also.

Novel. Constit. 1. l. 23. *Gregory Epist.* l. 4. c. 76. 78. *Sixth Synod. Art.* 4. *Agathan. Epist* 2. *Distinct.* 10. l. *de Captulis.* *Novel. Constit.* 3. 5, 6, 16. &c. *Socrates.* l. 1.

7. This Jurisdiction was likewise in the Kings of *France*, and exercised by them. The Divines of *Paris*, by the Kings encouragement, did condemn Pope *Julius* his Doctrine with the sound of Trumpets, taking as much supremacy to himself as *Charles* did, who by advice of his Bishops, Princes, and Universities, Decreed that the whole Church of *France* should depart from the obedience of *Benedict*, and be under their own King in matters Spiritual. And *Charles* the VII. made a Law called the *Pragmatical Sanction*, for the perpetual Observation of those things which the Council of *Bazil* had Decreed, which curbed and cashired the Popes Jurisdiction, and advanced the Kings. And though the Pope reversed it, and laboured the King to do it, yet the Clergy of *France* adhered to the King, owning his Authority. A little before that, in a Council at *Tours*, the *Prælates* of *France* gave their full resolution to *Lewis* the XII. That it was Lawful for him to forsake the Popes Obedience, and to despise his Curses, being himself Supreme in his Kingdom. But *Philip the Fair*, before that, clapt the Popes Legat by the heels, and Sequestred himself and his whole Realm from his Obedience, and at length caught the Popes own Person, and

Gers. 4. *part. pro Jo. Manius de Schism & Concil.* c. 22. *Lazan. Epist.* c. 267. *Naucler General.* 48. *Leland* 448. *Lateraneus Council sub Leo* 10. *Sespred.* 10. *Oron Matræj in Anno.* 1510. Taricuske *Hist. Univers. Ep. l.* 9. *Phil. de Cominos, l.* 9.

and kept him in Priſon till he dyed. Here was exerciſe of Supreme Power to he higheſt. And when *Francis* I. in his Interview with *Leo* X. did remit the Force of the *Pragmatical Sanction*, his Secretary ſaid, *That the Garland of France was betrayed.* So much they valued the King's Supreme Spiritual Juriſdiction; whereof many more Inſtances are in the Story of that Nation.

Concordat. Gall. Budovus de Aſtr.

8. The like Supreme Juriſdiction was exerciſed by the Kings of *Spain*. In *Caſtile*, they have ſome limitted Eccleſiaſtical Power by a late Priviledge of *Adrian* VI. granted to *Charles* V. But when they ſee their time, they are pleaſed to take ſo much as ſhall ſerve their turn. As *Philip* II. ſeized upon the Temporalties of the Archbiſhop of *Toledo*; then when the Biſhop of *Goruſa* was apprehended at *Rome* for *New Hereſie*; And when *Sixtus* V. ſent to him, That if he would undertake the War againſt *England*, he would remit to him the Revenues of that Biſhoprick. This wiſe Prince anſwered, *That he would receive nothing from the bounty of his own Biſhop.* And though at home his Power is but what he pleaſeth to take, yet in other his Territories it is lawfully, and in Spiritual matters, as large a Juriſdiction as that of any other Prince. As in *Burgundy* and *Flanders*, he had the ſame Right that the King of *France* once had: As *Charles* V. made a Statute of *Mortmain*. That it ſhould not be lawful for *any Eccleſiaſtical Perſons, or Sacred Places, to take or have any Immovable Things without the Licence of the Prince*, and his Indulgence in that behalf. *Philip* II. his Son, in publiſhing the *Council of Trent* in the *Netherlands*, did not let it paſs in all points, with the ſtrength of an *Eccleſiaſtical Law*, but reſtrained it with an expreſs Clauſe, That it ſhould not prejudice *any priviledge of the King*, touching Poſſeſſory Judgments, or Eccleſiaſtical Livings, or Nominations thereunto. In *Portugal* they had the Right of *Preſentation to all Biſhopricks* and Abbeys, which is no ſmall Teſtimony of Supreme Spiritual Juriſdiction. *Sicily* hath been held of the See of *Rome* as a *Spiritual See*, yet there the Kings of *Spain* do not only claim Supremacy of Over-ſeeing, but likewiſe Superindency in doing of *Eccleſiaſtical* or Spiritual Affairs; and there in all his Dominions the King of *Spain* doth exerciſe Supreme Spiritual Juriſdiction, to which the Right of Indulgence is incident.

Thuanus Hiſt. l. 71. Prudentiſſimus princeps reſpondit ſe nil de ſuo Pontifici largiri. Theſaur. Polit. Apol. Epiſt. 49. Nullis perſonis Eccleſiaſtici vel Sacres Locis ullam rem immobilem abſque Principis licentia acceptare vel habere. Hug. tuiJul. de Repub. Portugal. Botar. Net. oran quæſt. l. 3. Guicchard. Hiſt. l. 4. Boron. Annal. 1209.

9. The like Supreme Juriſdiction was alſo exerciſed, and ſtill is, by the Kings of *Sweden* in Spiritual matters. They beſtow the Biſhopricks and Superintendencies upon ſuch Perſons as they judge fitteſt for them; which Donation is no ſlender Proof of this Supreme Juriſdiction; and the Biſhops and Superintendents there, who are the ſame in Office and Authority, though not in Name, with the Biſhops; Theſe chief Rulers, I ſay, of the Clergy, and the

Clergy

Clergy themſelves, are in perfect Obedience and Submiſſion to the King, as their Supreme in matters Spiritual. All Appeals from the Proceedings of their Spiritual or Eccleſiaſtical Courts, as they likewiſe term them, are made to the King in his Chancery; who thereupon Ordains, under the *Great Seal* of *Sweden*, certain Commiſſioners or Delegates, who hear and determine thoſe matters by the King's authority. And in ſome Caſes of extraordinary weight or difficulty, the King himſelf, with the advice of his Senate or Council of State, as in the *Laſt Reſort*, reſolves them. The Biſhops, Superintendents, and the reſt of the Clergy, are excluded from any Office or intermedling with Secular Publick Affairs, which ſome of them relate to be occaſioned by the height and buſie interpoſing in ſuch matters by ſome of their Archbiſhops and Biſhops. But of that I can ſay nothing, only I know the preſent Archbiſhop and ſome of their Biſhops to be learned, grave, and pious Men, and very obſervant to their King, whoſe Supreme Spiritual Juriſdiction is acknowledged by them, and all other his Subjects, and ſurely comprehends therein his clear Right of *Indulgence*, which he exerciſes in many places.

Theſaur. Pol. Appol. 50. *Herbert. Hiſt. Pol. l.* 2. *c.* 7. *Theſaur. Hiſt. l.* 56. *Dicunt ſuoq; arbitrio eligunt.* *Garnier. Comment. Pragmat. Sanctæ de Sanct. Patriam a Danicæ ſimul & Pontificiæ ſervitutis aſſeruit.* *Sir* Jer. Davis *rep. f.* 88. 10 *H.* 7. *C.* 5. 33 *H.* 6. *C.* 9. 22 *H.* 6. *C.* 3. 40 *E.* 3. *C.* 13. 7 *E.* 4. *C.* 10. 16 *E.* 4. *C.* 4.

10. This Juriſdiction was likewiſe in ſeveral other, if not in all the reſt of the Princes of Chriſtendom. *Poland* and *Hungary* were by *Benedict* VII. Converted from *Paganiſm*, and thereupon wholly at the diſpoſe of the *Pope* in matters Spiritual; yet they appoint and chooſe, at their pleaſure, Archbiſhops, Biſhops, and Abbots. The Kings of *Hungary* uſe the ſame Power as the Kings of *England* do; whereof a *Canoniſt* ſaith, *Tho of Right they cannot, yet the Kings of* England *and* Hungary *beſtow Benefices* by allowance *from the* Pope. Thus he is pleaſed to declare his *opinion*, tho groſsly miſtaken as to the Allowance; whereas they claim and exerciſe this Right only by Virtue of their *own Supreme Spiritual Juriſdiction according to Law*. In which point, beſides the Preſidents as to *England*, an *Engliſh* Lawyer may hope for as much Credit as a *Canoniſt*. The Princes of *Germany*, *Sweden*, *Denmark*, and of the *Netherlands*, have exerciſed the like Spiritual Juriſdiction, eſpecially when they Introduced the *Reformation of Religion*, and aboliſhed the Power of the See of *Rome*; Whereupon it is ſaid, that *Guſtave* I. of *Sweden*, aſſerted his Country from the *Daniſh* and *Popiſh* Servitude. *Scotland* hath likewiſe vindicated the Juriſdiction of her Prince in theſe Spiritual matters. And of *Ireland* it is affirmed, That they have there made as many Laws againſt Proviſions, Citations, Bulls, and Briefs of *Rome*, as are to be found in all the Parliament Rolls of *England*. Beſides, *Poynings Law*, Enacts there the Statutes of Proviſion, and all other Laws againſt the See of *Rome*. Alſo in the Parliament of *Kilkenny*, and in another Parliament in that Kingdom, it is declared, That the publiſhing of Bulls of Proviſion from *Rome*, is *High Treaſon*. But I may incur the Cenſure of tediouſneſs to beſtow more time on this Argument, which can receive little oppoſition; but it muſt be acknowledged, that generally the Princes of *Chriſtendom*, and other Princes before and out of *Chriſtianity*, and the firſt Princes and Fathers of Families, have exerciſed Supreme Juriſdiction in Spiritual matters within their Territories, as a Right belonging to them; and conſequently the Right of Indulgence, as part of that Juriſdiction, can hardly be denyed to them.

CHAP.

CHAP. V.

That ſupream Spiritual Juriſdiction in England, *is in our Kings.*

1. IT may be ſhewn in a few Inſtances of many, that this Juriſdiction was in our Kings, in all ages, according to Law.

If for the *Stories-ſake* we ſhould take our firſt ſtep as high as our *Britiſh Kings*, we may find in them ſome teſtimonies of it, before Chriſtianity was introduced; our Britiſh Kings were ſupream over the *Druides*, the Prieſts, the *Arch-Flamines* and *Flamines*, and ordered their *Sacrifices*.

They ordered likewiſe all matters of that Nature, as to the ſupream Juriſdiction of them.

The firſt Chriſtian Britiſh King *Lucius*, if you credit that Story, made that bleſſed change from *Paganiſm* to the Light of the Goſpel, which he and all his People embraced.

He changed the Arch-Flamines and Flamines into Arch-Biſhops and Biſhops, and for the *Druides*, entertained the Miniſtry of the Goſpel; and the actions of this King and of his Succeſſors, in the Progreſs of *Chriſtianity* among them, do give teſtimony that ſupream Spiritual Juriſdiction was then taken to be in our Kings.

Eleutherius Biſhop of *Rome*, in his Anſwer to the Letters of *Lucius* and his Nobles, ſtiles the King, *Gods Vicar within his Kingdom*; and the Vicar is *in the ſtead* of his Maſter, and inveſted with his Power; which no earthly Prince is capable of, as to command over the heart, and to eternity, but the eternal King of Kings: Yet as to power in this World, Kings are deputed by God as his Vicars on Earth, with as much Supremacy in Spiritual Matters, whereof men are capable, as of Temporal.

It hath been ſhewed, that the Commands of Chriſt were full of Meekneſs: We read that indeed he did Scourge ſome out of the Temple, but never that he Scourged any into the Temple. He exhorts his Vicars, and all others, *Learn of me, for I am meek and lowly*; which is commendable in all who are his Vicars, to be thus like their Maſter.

2. In the next place a view may be taken of the exerciſe of this Juriſdiction by our *Saxon* and *Daniſh* Kings.

Ina ſaith, in the Preface to his Laws, That he *Studied the health of the Souls of his People*; which argues, that he took himſelf to have ſpiritual Juriſdiction. *Leg. Ina Reg.* c. 1.

He makes Laws for the Form of Life of *Gods Miniſters*, and ſuch ſpiritual Matters.

Leg. Alueredi, Reg. c. 1. King *Alured* begins his Laws with the *Decalogue* and Judicial Laws, and enacts the immunity of the Church, as *Head* of it.

In the League between *Edward* and *Guthrune* the *Dane*, it enacts, that before all things they worſhip *one God alone*, laying aſide all barbarous Worſhip.

Leg. Athelſtani Regis. *Athelſtane* enacts alſo Spiritual Laws: So doth King *Edmond*, and declares that he had conſulted how the *Chriſtian Faith* might be promoted.

Leg. Edm. Reg. c. 1. *Not. in Eadmer.* p. 161. *de quorum omnium moribus ad nos ſpectat examen.* King *Edgar* in his Oration to his Clergie, ſaith, That the examination of all their Manners did belong to him.

Leg. Eadgeri Reg. He made many Canons of matters meerly ſpiritual; as touching the Demeanour and Duty of *Prieſts*, Parents inſtructing their Children in the Chriſtian Faith, and to abſtain from filthy and blaſphemous Words and Songs; that Prieſts do *Preach* every Lords day, and againſt *Swearing* and *Sabbath-breaking*: Matters ſufficiently *ſpiritual*, and not unworthy or improper for a Princes care.

Leg. Canuti Reg. King *Canute* commandeth all his Subjects to Worſhip God, and to keep the Rules of Chriſtian Religion; makes many Eccleſiaſtical Canons, forbids barbarous Worſhip and Superſtition, yet without ſevere Penalties, and profeſſeth to do all things for confirmation of Chriſtian Piety.

Canones Ælfrici ad Wulfinum Epiſcopum. *Ælfric* in his Canons, ſaith unto the Prieſts, *I tell you, I will not bear your negligence in your Miniſtry*, and all his Laws are concerning ſpiritual Matters.

Leg Edwardi Confeſſor. *Edward* the Confeſſor, in his Laws, calls himſelf the *Vicar of the moſt high God*; and ſaith, that he was conſtituted to that end, that he ſhould govern the Kingdom and People of God, and above all, the *holy Church*; which is agreeable to the Writ of Summons to Parliament to this day.

Theſe ancient Kings did uſe to give the Biſhopricks by the *Ring and Staff*, as the Inveſtiture: And theſe, with many other Inſtances which are omitted, do teſtifie the ſupream Spiritual Juriſdiction to be exerciſed by theſe Kings.

3. The like Juriſdiction appears alſo to have been in *William* the firſt, called by the flattering Monks, *the Conquerour*; though he came into *England* to recover *his Claim* to the Crown, and had the Popes Benediction, who ſent him an hallowed Banner, with one of St. *Peter*'s *Hairs* in it.

Eadmer. Fidelitatem facere nolui, nec volo, quia nec ego promiſi, nec Anteceſſores meos, Anteceſſoribus tuis id feciſſe comperio. Yet when the Legate required him to do fealty to the Pope, he would acknowledge no Superiour to himſelf, but anſwers, *Fealty I would not do, nor will I do it, becauſe neither I have Promiſed it, nor do I find that my Anceſtors have done it to your Anceſtors.*

He

He appropriated Churches with Cure to Eccleſiaſtical Perſons, and did many the like Acts; whereupon *Eadmerus* reports, that all things, *both Divine and Humane, were at his beck*; which ſufficiently teſtifies his ſupream Juriſdiction in Spiriritual Matters. *7 E. 3. Quar. Imp. 19. Eadmer. f. 6. Cuncta divina ſimul, & humana ejus nutum expectabant.*

His Son *William Rufus* denyed leave to *Anſelme* to go to *Rome*, and told him, that *no Arch-biſhop or Biſhop of his Realm, ſhould be ſubject to the Pope, or Court of Rome*; and that if he asked this leave any more, or appealed to *Rome*, he ſhould ſpeedily depart out of his Realm. *Mat. Paris in W. 2. Ann. 1094. Anſelm. Epiſt. 36. ad Paſchal.*

And becauſe he went thither without a Licenſe from the King, all his Goods and Chattels were ſeized to the Kings uſe, and he conſtrained to live in Baniſhment during the Kings Life.

In King *Henry* 1. time he was permitted to return into *England*, but not without Promiſe firſt made, that he would perform the Cuſtoms of *W.* 1. and of *William Rufus*: And when *H.* 1. perceived that *Anſelme* combined with the Pope, to hinder the Kings donation of Biſhopricks, the King wrote to the Pope, challenging that right; and his Proctor in *Rome* told the Pope, that his Maſter would rather *loſe his Kingdom*, than the *Donation of Biſhopricks*. *Mat. Paris in H. 1. Anno 1104. Coke Rep. 5. Gale's Caſt, fol. 106.*

In his Charter to the Abby of *Reading*, he ſaith, *We Ordain as well in regard of Eccleſiaſtical as Regal Power.*

4. We come next in order to the time of King *Stephen*, whereof a Monk writes, that *Appeals* to *Rome* were not in uſe until *Henry* Biſhop of *Wincheſter*, by his miſchief while he was Legate did cruelly intrude them: before this, they were made to the King, as having ſupream ſpiritual Juriſdiction. *Sir John Davis Rep. f. 40. Apellationes in uſu non erant, donec H. Winton. Epiſcop. malo ſuo, dum Legatus eſſit crudeliter intruſit.*

H. 2. was a ſtrong oppoſer of the Sea of *Rome*, as appears by the Story of *Thomas* of *Becket*, and by the Laws made at *Clarendon*, abridging the Popes authority, forbidding Appeals, and payment of *Peter pence*, and commanding that none ſhould bring Decrees from *Rome* to be executed here, on pain of Impriſonment and confiſcation; nor Bulls of interdicting the Realm, on pain of high Treaſon. *Guliel. Nubrigenſ. Cro. Anglor. 1.2. c. 16. Mat. Paris Anno 1164.*

Generally this King aſſerted and maintained his ſupream ſpiritual Juriſdiction, but he began a little to relent when the Pope armed his ſons and Neighbours againſt him; he conſtantly made all the reſiſtance he was able againſt the incroachment of the Clergie, and for the vindication of his own Right (as his Laws alſo teſtifie) in matters ſpiritual. King *Richard* 1. gave the Biſhopricks by the inveſtiture of the *Ring and Staffe*, which was a great teſtimony of this Juriſdiction acknowledged to be in him. *Roger Hovenden, f. 496. Coke Epiſt. 5. Rep.*

He went further in a Droll which brought him in Money, to

Mat. Paris, p. 144. 50. *Juvenem feci Comitem de Epiſcopo veterano.*

make a Biſhop an Earle, ſaying, That of an *old Biſhop he had made a young Earle.*

He granted great priviledges and exemptions to ſome of his Clergy and Subjects of *Normandy*, as well as thoſe in *England.*

Mat. Paris, anno. 1203. & 1216.

5. The next are the Reigns of King *John*, and *Henry* the 3. who exerciſed the like Juriſdiction; yet it muſt be acknowledged, that in King *Johns* time the power of the Biſhop of *Rome* did ſwell to a great height in this Kingdom, the Pope neglecting no means for the increaſe thereof.

For which end he ſcrupled not to abſolve the people of *England* from their Oaths, and Allegiance to their Soveraign.

And then turning the Tables, interdicting the Kingdom for oppoſing his will and pleaſure: By which means he brought the King to ſurrender the Crown to the Popes Legate, and to take it again as his Farmer.

Polydore Virgil. in Joh. l. 15.

But the Barons were ſo ſenſible of the Right and Supremacy of the *Crown* of *England*, that they told the Legate; That the Kingdom of *England* never was, nor ſhould be St. *Peters Patrimony*, and ſpoke homely of the Clergy, who aſſiſted the Popes proceedings, crying out upon theſe *ſhrivled Ribbaulds.*

Neither this King, nor any that ſucceeded him, obſerved any part of this Submiſſion.

Not. in Eadmar. p. 143. *donationem baculi paſtoralis Abbathiæ de Nutlega.*

And notwithſtanding all this, the ſame King held it not only his Right himſelf to give the Paſtoral Staff, but granted this Right to others: As to *William Marſhal* and his Heirs, he granted the Donation of the Paſtoral Staffe of the Abbey of *Nutlege*, which was a meer ſpiritual Right, and exerciſe of Supream Juriſdiction in thoſe matters.

4 *H.* 3: 7 *H.* 3. *prohibition.*

In the time of his ſon *H.* 3. *prohibitions* were very frequent, which is a ſtrong vindication of this Juriſdiction in the King.

15. *H.* 3. *probibit.* 15 & 22. to 5. *reſpectes Cas.* 11.

So was the writing in the Kings name to the Biſhop, to abſolve a Perſon Excommunicate, and to certifie Loyalty of Marriage, Baſtardy and the like, which were often done in this Kings Reign.

45 *H.* 3. *rot. ſtans in* 14. *dorſo.*

Alſo in this Kings time, there are ſome Records yet extant, by which it is forbidden that any man be drawn in Plea out of the Realm, there being ſufficient Juriſdiction in the King, to do his Subjects Juſtice, in all matters whatſoever.

6. We may now look into the Reigns of *Edw.* 1. and *Edw.* 2. and find the ſame Juriſdiction exerciſed by them.

1 *E.* 1. *rot. ſtans. in* 5. *dorſ.*

E. 1. A ſtout and wiſe Prince, did much recover this right to his Crown: He would not ſuffer thoſe of the Clergy to go to *Rome* without his Licence.

I.

In his time the Statute of *Mortmaine* was made, which much impaired the growth of the Clergy, and increaſed the Kings Juriſdiction. 7 *E.* 1. *ſtat. of Mortmain.*

He forbad the *Popes Proviſions* without his knowledge and leave, and ſhortly after this was the Statute of *Carliſle* made; which recites the Uſurpations of the Pope in giving Eccleſiaſtical Benefices to *Aliens*, and Enacts that *thoſe oppreſſions* ſhould be no more ſuffered. 11 *E.* 1. *rot. fin. M.* 5. 11 *E.* 1. c. 32.

This King denyed *William* of *Nottingham* to proſecute his Appeal to *Rome*, becauſe it would *infringe the Kings Juriſdiction*, but bad him to enter it here, if he would. 18 *E.* 1. *Petitiones coram Rege.* f. 1. 3.

He ſet a penalty upon the Proviſions of Appropriation, and being cited by the Pope to appear before him: The great Counſil were highly offended at it; and wrote to the Pope, that it was notorious, That the King of *England was not to appear before the Pope or any other, and although he would, yet he could not do it, being himſelf Supream in thoſe as well as other matters.* 18 *E.* 1. *Pleas in Parliament.* 28 *E.* 1. *in Scaccario.*

This King denyed the Popes *Bulls* and *Peter pence*, and other Exactions of *Rome*, and would not Licence his Biſhops to repair to the General Council, till they had taken an Oath not to receive the Popes Bleſſing. 33 *E.* 1. *lib. apud Turrim.* f. 1. 114. 35 *E.* 1. 16 f. 150.

He regarded not the Popes prohibition of his Wars againſt *Scotland.* He forbad the payment of Firſt fruits to the Pope, and ſeized the Temporalties of the Clergy for refuſing to pay him a tenth, though the Pope forbad them. 35 *E.* 1. *rot. Pat. M.* 25. Sr *Jo. Davis, Rep.* f. 95.

In his time, it was adjudged *Treaſon for one Subject to bring in a Bull of Excommunication againſt another*; and a high contempt againſt the Crown to bring in *Bulls of Proviſion*, or Briefs of *Citation.* 50 *E.* 3. *lib. Aſſis pl.* 19. *Brook præmunire.* 10. *Coke* 5 *Rep. Eccleſ. Caſe.* f. 12.

And the Arch-biſhop of *York* had all his Lands ſeized into the Kings hands, and loſt, during his life, for a contempt in refuſing to admit the Kings Clerk to a Benefice, againſt the Popes Proviſion, and all this was held to be according to the Common Law of *England*, and an high Teſtimony of the Kings Supremacy. 9 *E.* 1. *quare admiſit.* 7. 39 *E.* 3.

In *E.* 2. time, the Clergy put up again for a ſhare of this Supremacy, and got the Statute of *Articuli Cleri* to be made, but in them the Right of the Crown is reſerved and manifeſted. *Stat.* 9 *E.* 2.

This King by his Letters civilly and filially intreated the Pope and Cardinals, not to hold plea at *Rome* of things done in *England.* 14 *E.* 2. *lib. apud Turrim.* f. 85.

And though in his time the Spiritual Courts held plea, by the Statute of *circumſpectè agatis*, and by general allowance and uſage, yet *St. John Davis Rep.* f. 95.

Coke 5 Rep. Eccleſ. Caſe. f. 13. Stat. Articuli Cleri. 9 E. 2.

yet they thought themſelves not *ſafe* till the King had granted them Juriſdiction in theſe Caſes, wherein the Parliament conſented by their Act before mentioned. And it was objected nevertheleſs againſt this King, that he had given allowance to the Popes *Bulls* and Authority here.

7. We meet with the ſame practice in the time of *E.* 3. and of his Grand-ſon, *R.* 2.

Edward the third was a wiſe and Powerful Prince, and his time affords us a large view of this matter, in the Records and Printed Statutes.

In his minority and in the heat of his wars in *France*, the Pope ſent many *Briefs* into *England*, at which the King and his Subjects were much offended, and did ſmartly oppoſe them.

Coke 5 Rep. Eccleſ. Caſe. f. 15. 16, 17.

By the Reſolutions of the Judges, and of the Parliaments in his time, they admitted no Juriſdiction of the Court of *Rome* here, but puniſhed thoſe who did bring any Bulls from thence, or obtained any Proviſions of Benefices, and the like.

He entirely reſumed the right of his Crown in ſupream ſpiritual Juriſdiction.

25 E. 3. Stat. de proviſor.

The Statute of Proviſors recites the Statute of *Carliſle*, and Aſſerts: That the Church of *England* was founded in the Eſtate of the Prelacy by the Kings and their Predeceſſors.

27 E. 3. Stat. proviſ. c. 1.

And this, and a ſubſequent Statute forbidding Proviſions of Benefices by the Pope, do teſtifie the authority of the King to be Supream in Spiritual matters.

32 E. 3. c. 1, 2, 3.

So doth another Act forbidding thoſe to be curſt, who ſhall execute the former Laws.

17 E. 3. 23.

In the Annals of our Law, we alſo find Reſolutions to the ſame effect, for the Kings right of granting Exemptions from the Juriſdiction of the *Ordinary*, which manifeſts his own Supream Spiritual Juriſdiction.

28 Aſſiſ. pl. 20. 38 E. 3. c. 7. Coke 5 Rep. Eccleſ. Caſe. f. 16.

In his time it was reſolved, That a *Priour* being the Kings *debtor*, might ſue a Spiritual Perſon for *Tithes* in the Exchequer; for until a Statute of this King the right of Tithes was determinable at the Kings Temporal Courts, and in many Mannors of the King and of other Lords, they had probate of Wills.

38 Aſſiſ. pl. 22. 49 E. 3. lib. Aſſiſ. pl. 8.

This King tranſlated *Canons Secular* into Regular and Religious, and made of the *Priour* and *Covent* of *Weſtminſter*, who were Regular Perſons, capable in Law to ſue and to be ſued: All which and divers others omitted, are proofs of this Juriſdiction in him.

In the Nonage of *R.* 2. the Power of *Rome* again budded, and they

they attempted to incroach, by ſending hither Bulls, Briefs and Legates: Whereof the People were ſo impatient, that they offered to live and dye with the King in withſtanding this Uſurpation.

In his time an Act makes it Death, to bring any Summons, Excommunication, *&c.* againſt thoſe who executed the Statute of *Proviſors.* 13 *R.* 2. c. 3.

Another Statute makes it *a Præmunire* to purchaſe or purſue in the Court of *Rome*, or elſewhere, any *Tranſlations*, *Proviſions*, and Sentences of *Excommunication*, *Bulls*, *Inſtruments*, or any other things which touched the King, his Crown and Regality, or his Realm. And declares that the *Crown of* England *hath been in no Earthly Subjection*; but free at all times, and immediately Subject to God in all things, which is full Supremacy, and *in all things*, includes Spirituals. 16 *R.* 2. c. 5.

The King had alſo the ill fortune to have it objected againſt him in Parliament, that he had allowed of ſome Bulls from *Rome*.

8. We come now to the times of ſeveral Kings, who found this point ſo well ſettled, that there was not much need of their ſtirring in it, yet the ſame Juriſdiction was exerciſed by them.

In *H.* 4. time, were ſeveral Reſolutions of the Judges, expreſly diſallowing the Supremacy of the Pope in this Realm, and confirming the Kings. *Coke* 5 *Rep. Eccleſ. Caſe.* f. 22, 23, 24.

A Statute makes it a Præmunire to purchaſe Bulls from *Rome*. 2 *H.* 4. c. 3.

Another forbids the horrible Miſchiefs and damnable Cuſtomes of the Court of *Rome*, about compounding with the Popes Chamber for Firſt-fruits. 6 *H.* 4. c. 1.

Another makes it a Præmunire for any to put in execution here any Bulls for the diſcharge of Diſmes. 2 *H.* 4. c. 6.

In his ſons time an Act makes it a Præmunire for one by colour of Proviſions from *Rome*, and Licences thereupon, to moleſt any Incumbent. 2 *H.* 5. c. 9.

In his time the Lands of Religious houſes were in ſome danger to be taken away, the King being Petitioned to ſuppreſs them, as *Nurſeries of Idleneſs*, *Gluttony*, *Leachery and Pride*, and that their Revenues would bring yearly to the Kings Coffers 200000 *l.* and alſo maintain 15 Earls, 1500 Knights, and above 6000 men at Arms. *Martin Chron.* P. 142.

But by the *Policy* and liberal offer of the Clergy, to ſupply the Kings occaſions in furtherance of his Title to *France*, this buſineſs was diverted.

In the minority of *H.* 6. when the *Commons* had deny'd the King a Subſidy, the Prelates offered a large ſupply for his Warrs, if the Sir *Jo. Davis*, *Rep.* f. 96.

the Act of Proviſion were repealed: But *Humphrey* Duke of *Glouceſter*, who not long before had caſt the Popes Bull into the *fire*, cauſed this motion to be denyed, as derogatory to the Kings Right and Supremacy.

1 *H.* 6. f. 10. 8 *H.* 6. f. 1. In this Kings Reign it was adjudged, that the *Popes Excommunication is of no force in* England, *by the Common Law.*

The ſucceeding Kings were not ſo active in theſe matters, nor was there ſo much occaſion for it in their time, as in the Reigns of their Predeceſſors.

1 *H.* 7. 20. 9 *E.* 4. f. 3. *Fitz. N. B.* f. 44. *E.* 4. was full of trouble, yet we find mention of a reſolution in his time, that the Pope could not grant any *Sanctuary* in *England*. And that if one Spiritual Perſon did ſue another at *Rome*, where he might have Remedy here, he ſhould incurr a *Præmunire.*

12 *E.* 4. 46. Another Judgment was, that the Popes Excommunication was of *no force* in *England.*

1 *H.* 7. f. 10. And when two Legates, one after another came into *England*, they could not be admitted, till they had taken an Oath, to attempt *nothing againſt the King* and his Crown.

2 *R.* 3. f. 22. *R.* 3. had a ſhort and unhappy Reign, after his wicked Uſurpation, and was careful to pleaſe *the Clergy*; yet in his time it was reſolved, *That a Judgment or Excommunication at* Rome, *did not prejudice any man here.*

1 *H.* 7. f. 10. *H.* 7. was a prudent and wary man, not forward to diſoblige any party, eſpecially ſo great a one as the *Clergy*; yet in his time divers Reſolutions paſſed to the ſame effect as before, for the vindication of the Kings Supremacy.

10 *H.* 7. f. 18. *Perſona mixta.* The Judges affirmed, that the King is a *mixt perſon*, having both ſpiritual and temporal juriſdiction in him.

11 *H.* 7. f. 12. And that the King may *diſpenſe* with the Eccleſiaſtical Law for *Pluralities*, and for a *Baſtard* to be made *Prieſt.*

9. We are now come to the great Wheel, which turned upſide down the whole courſe of Eccleſiaſtical Affairs; *King H.* 8. who not only reſumed abſolutely the *whole ſpiritual Juriſdiction* into his own hands, but totally aboliſhed the Supremacy of the Pope in *England.*

The cauſe hereof ſome would attribute to his *Covetouſneſs*, but he was rather *prodigal*; and though none are more covetous than ſome prodigal men to get fuel for their flames, yet the humour of *covetouſneſs* was ſpent in his Father, and his own Education and Practice was otherwiſe.

His diſpleaſure againſt the Pope about the buſineſs of *Queen Katherine*, and the precedent of *Woolſey*, added to his private grudge;

grudge; and Haughtineſs might put him upon this work, which he went through with, and that by *Parliament*, which he ſufficiently commanded.

It chiefly began in the 24 year of his Reign, when an Act was made, which fully recites the Kings *ſupreme Juriſdiction* both in Spiritual and Temporal matters, without Appeal to any foreign Princes or Potentates. 24 *H.* 8. c. 2.

It enacts that all Cauſes determinable by any ſpiritual Juriſdiction, ſhall be adjudged within the Kings Authority; and if any procure Appeals, Proceſs, *&c.* from *Rome*, he ſhall iucurre a *Præmunire*.

The next year an Act was made, wherein the Clergy acknowledged the Kings *Supremacy*, and that they are convened by his Writ: And no *Canons* to be of force without his aſſent; which is enacted accordingly: And that the King may aſſign 32 perſons to examine the *Canons*, and to continue *ſuch* of them as they think fit, and to reſtrain the reſt. Appeals to *Rome* are forbid, and that Appeals from places exempt, and which were formerly to the Sea of *Rome*, ſhall for the future be to the King in Chancery; which is a great aſſerting of the Kings *Supremacy*. 25 *H.* 8. c. 19.

Another Act the ſame year declares, that the King may grant his *Conge deſlier* for Biſhops, and in default of Election of them, the King may nominate the Biſhop by his Letters Patents, and they to be conſecrated here. 25 *H.* 8. c. 20.

Another Act reciting the Popes Exactions for Diſpenſations, Licences, *&c.* in derogation of the Imperial Crown and Authority Royal, enacts that none be had from *Rome*, and gives power to the King therein, which will be mentioned in another place. 25 *H.* 8. c. 21.

The next Parliament unites to the Crown the title of *Supreme Head of the Church*, and all Juriſdictions and Authorities thereto belonging. 28 *H.* 8. c. 1.

Another Act gives to the King *Firſt-fruits*, as the Pope had them. 26 *H.* 8. c. 3.

Another Act forbids *Appeals to Rome*. 28 *H.* 8. c. 7.

Another (ſince repeal'd) makes it a Præmunire to extoll or defend the Authority of the See of *Rome*: And Officers to be *ſworn* to renounce and reſiſt it. 28 *H* 8. c. 10.

Another Act makes void *Licenſes* and Indulgences from *Rome*, and thoſe allowable to be confirmed under the *Great Seal*. 28 *H.* 8. c. 16.

In the 31 year of his Reign, an Act gives him power to nominate ſuch number of Biſhops, Biſhops Seas and Churches, and to endow them with ſuch Poſſeſſions as he will. 31 *H.* 8. c. 9.

Another Act gives to the King all the reſt of the *Monaſteries* not diſſolved, and their Poſſeſſions. An Act of as much neglect of the Romiſh Power, and of as much Supremacy in the King in *matters ſpiritual*, as may be imagined.

Which Supremacy was further exerciſed by this King, in the Laws made for confirmation of the Romiſh Doctrine, and the Six Articles, upon which was great ſeverity, ſome being put to death for affirming the Popes Supremacy, others for denying his Doctrine, all at the ſame time.

10. We come now to the ſucceeding Princes.

Edw. 6. proceeded in ſpiritual matters, as to the *Doctrinal part*, concerning which ſundry Acts of Parliament were made: One
1 *E.* 6. c. 12. makes it Treaſon to affirm, that the King is not, or that the Pope is, *ſupream Head* of the Church in *England*.

2 & 3 *E.* 6. c. 1. & 12. 19. An Act ordains the Book of *Common Prayer*.

2 & 3 *E.* 6. c. 20, 21. Another is about *payment of Tythes*, prohibiting *fleſh on Faſting dayes*; For payment of Tenths to the King, and Repeal of Laws againſt *Marriage* of Prieſts. Another takes away *Popiſh Books* and *Images*, repealed by Queen *Mary*: Another gives Power to the King to name 32 perſons, to examine the Eccleſiaſtical Laws, and to ſet forth *ſuch* as they think fit.

2 & 4 *E.* 6. c. 10.

3 & 4 *E.* 6. c. 10.

5 & 6 *E.* 6. c. 1. 3. People are required to come to Church, the Common Prayer with ſome Alterations enacted, *Faſting dayes* to be obſerved,

5 & 6 *E.* 6. c. 12. Prieſts *Marriages* lawfull.

1 *M.* c. 2. 9. But all the good Laws made by this King, were repealed by his Siſter Queen *Mary*, and ſuch Service as was in the laſt year of *Hen.* 8. to be uſed: That ſhe may make Orders for governance of Cathedral and Collegiate Churches.

1 *M.* c. 6. Acts againſt *Hereſie* are revived, (but this was repealed 1 *El.* c. 1.) Cardinal *Pool* diſpenſed with the Lay-mens poſſeſſion, to retain

2, 3 *P.* & *M.* c. 4. Abbey-Lands. And the Queen remitted *Firſt-fruits*, and renounced *Eccleſiaſtical Livings*.

1 *El.* c. 1. Queen *Elizabeth* turned all about again, and by Act of Parliament all foreign Juriſdictions *ſpiritual* are aboliſhed, the Statutes of *H.* 8. her Father, for this purpoſe, are revived. So are the Statutes of her Brother, 1 *E.* 6. c. 1. and ſhe repeals the Statute 1 & 2 *P.* & *M.* c. 6.

And it is enacted, that ſuch *Juriſdictions ſpiritual* as lawfully were exerciſed *before*, ſhall be united to the Imperial Crown of this Realm. And the Queen hath power to aſſign Commiſſioners in matters Eccleſiaſtical, and enacts the Oath of *Supremacy*. The Act of 1 *M.* is repealed, and the Book of Common Prayer of 5 & 6 *E.* 6. C. 1. is eſtabliſhed.

1 *El.* c. 4. 'Tis made Penal to maintain the Authority of the See of *Rome*,

5 *El.* c. 1. the Oath of Supremacy to be taken, Faſting dayes to be obſerved.

5 *El.* c. 5. 5. The Bible and Common Prayer to be tranſlated and confirmed;

13 *El.* c. 1. Bulls from *Rome* are prohibited, and reconciling to that Church, and bringing in of *Agnus Dei*, *Pictures*, *Croſſes*, &c. Made Treaſon

to

to withdraw any from our Religion to the *Romiſh: Jeſuits* and *Prieſts* are to depart the Realm, and not return on pain of Treaſon. 23 *El.* c. 1. 27 *El.* c. 1.

Next was a ſevere Law made againſt *Seditious Sectaries*, frequenting Conventicles on pretence of any exerciſe of Religion, contrary to the Queens Laws; and ſo it muſt be, and whether this Act be continued or not, was queſtioned. King *James* proceeded in the wayes of Queen *Eliz.* as to ſpiritual matters. That her Acts againſt Romiſh Prieſts be put in Execution, but with favour upon Conformity. 35 *El.* c. 1. 1 *Jac.* c. 4.

Sundry Acts were made in his time, touching *faſting days*, Prayer for delivery from the *Gun-powder Treaſon*, for repreſſing and diſcovering of Popiſh Recuſants, and againſt abſolving to the Church of *Rome*; and penalties for not coming to Church. In none of which the Kings power of *Indulgence* is impeached, or named. 1 *Jac.* c. 25. & 29. 3 *Jac.* c. 1. 3 *Jac.* c. 4.

There is alſo an Act of King *Charles* 1. for reforming abuſes on the *Lords day*, and to reſtrain ſending any beyond Sea to be popiſhly brought up, and others of like nature.

In all theſe Princes Reigns, the writing to the Biſhops to abſolve Perſons *Excommunicate*, to certifie Loyalty of *Marriage*, *Baſtardy*, &c. and Prohibitions to the Eccleſiaſtical Courts, were very frequent, and teſtimonies of, together with a quiet enjoyment of their Supream Spiritual Juriſdiction; which conſequently carries the Right of granting Indulgence in Spiritual matters along with it.

CHAP. VI.

That the right of granting Indulgences in Spiritual matters, is in our King.

1. THis right is in the King of *England*, as he is a *mixt Perſon*, capable of Spiritual Juriſdiction.

10 *H.* 7. *Rex eſt perſona mixta & unita cum Sacerdotibus. Ab & Gloſs in* c. *de decimis.*

This was affirmed by Judge *Bryan* in *H.* 7. time, and *that the King is a mixt perſon, and united to the Prieſts of holy Church.*

Rex non præeſſe debet in ſpiritualibus ut in temporalibus. A. B. C. de ſacro ſanct. unctionibus.

But the *Canoniſts* ſay, that the King is not Supream in Spirituals, as he is in Temporals, and they labour much for their own, and their *Maſters* intereſt, to make it good.

Quod Rex mere Laicus & non Eccleſiaſticus aut mixtus, quanquam unctus, nec ſpiritualibus, aut temporalibus quoad eccleſiam ſe immiſcere poſſe. In ordine ad ſpiritualia.

Some *Doctors* affirm, that a King is a mere *lay perſon*, and not an Eccleſiaſtical, or mixt Perſon, although he be *annointed*; and that he cannot intermeddle with matters Spiritual, or with matters Temporal, which do concern the *Church*.

It is much for them to abridge a Kings Power in matters Temporal, but it is not the firſt time they have made uſe of the Words *in order to Spirituals*, to the prejudice of the Power of Princes. Nor doth their opinion determine the *Laws of England*, by which our King hath this Juriſdiction.

The ſtories of other Kingdoms as well as of this, do manifeſt the exerciſe of Supream Spiritual Juriſdiction by Princes, and the *Non Obſtante* of the Doctor (though the King be anointed) is no ſmall objection in their way, carrying Teſtimony that Kings are *mixt* perſons.

Caſibut Downings *diſcourſe of the States Eccleſiaſtical*, p. 57.

Eſpecially as it relates to *our King*, whoſe Anointing is *only ancient* among the Princes of *Chriſtendom*.

The old Rhime of *Robert* of *Glouceſter* is miſtaken, which ſaith of *Alured*,

" And he was King of *England*, of all that there come,
" That verſt thus *yeled* was of the *Pope of Rome*.

Oyled or anointed.

Galfred Manuth, l. 9. c. 3.

For *Gildas* mentions the anointing of the ancient *Britiſh Kings* (although in a bad ſence,) and the Monk of *Malmesbury*, the anointing of *Egbert* before *Alured*.

וילכו ויכליבו אחאבי ככלך לכבלך

ἐπορεύθησαν τοῦ κεῖσαι τὸν Ἀβιμελεχ εἰς βασιλέα.

Iſa. 45. 1.

Jothams ſpeech to the *Iſraelites*, That the *Trees* went to *anoint them a King*, and that which is rendered, *they went to make* Abimelech *King*; is in ſome Greek Copyes they *went and anointed* Abimelech *to be their King*.

This was about 200 years before the beginning of their Kingdom in *Saul*, who with his Succeſſors were anointed: So alſo was the King of *Syria*, *Hazael*, and *Cyrus* King of *Perſia* in the holy Prophecy is called the *Lords anointed*, a frequent expreſſion of Kings in Scripture.

Ceder Roda ſinim trall Keriſos, Lyr ad Ri. 3.

I meddle not with the Miracle, that the *Holy Oyl*, which was conſecrated in *Moſes* time, and uſed in *this Unction*, continued without diminution until the Captivity.

But from thoſe *Examples* in the Holy Story, the Kings of *Chriſtendom* took their cuſtom of being *anointed*.

Our Soveraign is anointed by the *Arch-biſhop of Canterbury*. The Emperors when they were *Kings of France*, were anointed by the Arch-biſhop of *Rhemes*, and as Emperors by the *Arch-biſhop of Mentz*, *Colen* and *Triers*.

Du. Hillan, l. 1. *de la premiere lignee ointt ny Sacrée.*

But the Kings of *France* of the *firſt line* were not *anointed*, as their Hiſtorian teſtifies; and in a ſecond place ſaith plainly and peremptorily, There is no mention in our Antiquities of the *anointing of the Kings of the firſt line*.

N'eſt faicte aucune mention de ſacrée ny de onctionne Roys de la premiere lignée.

Though the Kings of *Spain* are anointed by the Arch-biſhop of *Toledo*: The Kings of *Denmark*, (he means of *Sweden*) by the Arch-biſhop of *Upſal*: The King of *Poland* by the Arch-biſhop of *Gueſne*: The Kings of *Hungary* by the Arch-biſhop of *Strigon*: The Kings of *Navarre* by the Biſhop of *Dampetune*: yet none of them were *anciently anointed*, but now are; and this real Relation doth more peculiar and appropiate the *State Spiritual* to our King.

Downing, f. 56.

And by it, he is more *than a lay man*, he is a *mixt perſon*, having ſupream

Supream Eccleſiaſtical as well as civil Government.

2. Nay, the King of *England* is not only a *mixt* Perſon, but in ſome ſence he may be termed a *Spiritual Perſon*, whereof the former Note of his being *Anointed*, and by Spiritual Perſons, is ſome Argument.

The uſe of *Oyle*, or Unction amongſt the Gentiles and Jews, whereby they would have even inanimate things *Sacred*, by pouring Oyl on them, may be omitted. All hold the *Anointing of Kings*, to difference them from *Lay perſons*, and that it put a kind of *Sacredneſs* upon them, as making them *Spiritual perſons*.

Cauſabon *ad* Baron. *Annal. exercit.* 14. *An.* 32. *Numb.* 26.

Hence the French word for it is (*ſacree*) as it were a conſecration or dedication of the King above all others, to the Service of God in Spiritual matters.

That Kings anointed *with holy Oyle, are capable of ſpiritual Juriſdiction*, was a ſentence applyed to our King in the time of *E.* 3. and to his Predeceſſors [illegible] Succeſſors.

Reges ſancto Oleo uncti, ſunt Spiritualis Juriſdictionis capaces. 33 *E.* 3. tit. *Ayd du Roy.*

And *Guimer* in his Comment upon the *Pragmatical Sanction* of *France*, is peremptory, that anointed Kings are not meerly lay Perſons.

And he adds, that from thence it is, that the Kings of *England* do beſtow Benefices.

Guimer, tit. 12. §. 9. *Quod Reges inuncti, non ſunt mere Laici.*

The anointed King *David* puts Prophets and anointed Perſons together; *Touch not mine anointed, and do my Prophets no harm*; and Chriſts Miniſters are frequently ſtiled *Gods anointed*.

Pſal. 105. 15. 2 Cor. 1.

If our King (as undoubtedly he is) be a ſpiritual Perſon, it is not improper for him to grant *Indulgence* in matters Spiritual.

The Kings of *Iſrael* took themſelves to be ſpiritual Perſons, and and to have ſpiritual Juriſdiction, as the Judgment and Actions of *Moſes*, *Joſhua*, the *Judges*, and their *Kings* do ſhow.

The excellent and Pious Sermons and Exhortations made by *Moſes*, *Joſhua*, *Samuel*, *David*, *Solomon*, *Hezekiah*, *Jehoſhaphat* and others, do teſtifie their being Spiritual Perſons.

So doth that paſſage of our firſt Chriſtian King *Lucius*, that he *laboured the Propagation of the Goſpel* of Chriſt; and that having tranſported an Army into *France*, whilſt his Captains were imployed about the buſineſs of the War, he himſelf was diligent in *Preaching of the Goſpel*.

Antiquit. Britan. p. 6.

Dum Duces ſui bellica tractarent officia, ipſe evangelio prædicando aſſiduus fuit.

Our laſt *Saxon* King *Edward* gained the title of *Confeſſor*.

And who ſo reads the Book of our late King *Charles* the firſt, will find that he had *admirable Endowments* in *Spiritual* as well as Temporal things.

Though it be not a perſonal Duty in a Prince *to Preach*, yet he is truſted to promote the Goſpel as a principal part of his Duty; and for a Prince to Preach is no ſtrange thing, nor any diſparagement, the great *Solomon* is called *the Preacher*; and they may Preach if they pleaſe, which is an argument of their being *Spiritual Perſons*, and that

that of their fitneſs to give *Indulgence* in Spiritual matters.

3. If our King were not to be taken as a Spiritual Perſon, he could not ſo properly be *Head of the Church in* England; which by *our Law* he is, and therefore the *more capable* and fit to grant Indulgence in Spiritual Matters.

The Paſſages before in part remembred, of the actings of our elder and later Kings, do ſufficiently evince them to have been *Heads of the Engliſh Church.* An Act as ancient as *R.* 2. time, declares that the Crown of *England* hath been *ſo free at all times, that it hath been in no earthly ſubjection, but immediately ſubject to God in all things. H.* 8. ſettling this Supremacy in himſelf and his Succeſſors, by the Act in the 24th year of his Reign, recites, that by authentick Hiſtories and Chronicles it appears, that *this Realm is an Empire*, and ſo hath been accepted in the World; governed by one *Supream Head and King*, unto whom the *Spiritualty and Temporalty* have been bounden and owen to *bear* (*next under God*) *a natural and humble Obedience.*

15 *R.* 2. c. 5.

24 *H.* 8. c. 12.

In the next year an Act prayes thus, *In regard your Majeſty is ſupream Head of the Church, which the Convocation hath recognized*, that it may be enacted, *&c.*

25 *H.* 8. c. 21.

Another Act ſettles it more expreſly, which recites, That although *the King rightfully is, and ought to be ſupream Head of the Church of* England, *and ſo is recognized by the Clergy in their Convocation*; yet for confirmation thereof, and increaſe of Virtue, and to extirpate Errors and Hereſies, it enacts, That the King ſhall be taken and reputed *the only Supream Head in Earth of the Church of* England: And ſhall have and enjoy, annexed and united unto the Imperial Crown of this Realm, as well the Title and Stile thereof, as all Honours, Dignities, Preheminencies, Juriſdictions, Priviledges and Immunities to the ſaid Dignity of Supream Head belonging.

In his Sons time it was enacted to be *High Treaſon*, to affirm that the King is not, or ought not *to be Supream Head in Earth of the Church in* England, immediately under God; or that the Biſhop of *Rome*, or any other than the King of *England*, is, or ought to be by the Laws of God, Supream Head of the ſame Church.

1 *E.* 6. c. 12.

This Title was challenged by the Pope over all the Churches of *Chriſtendome*, but the ſeveral Acts of Parliament declare it to have been, and to be the right of our Kings.

And if it ever did belong to any Spiritual Juriſdiction, to grant Indulgence in Spiritual Matters, it is by theſe Acts given to the King.

The Pope, when he claimed the Title, did give Indulgence in greater matters; therefore it may be allowed to our Kings, under this Title, to grant Indulgence to ſome of their Subjects, *Diſſenters*, as to ſome minuter matters of Religion, as Forms or Ceremonies in Church Diſcipline, *&c.*

4. We

4. We may examine from the ground of Reaſon, whether it be not fit that this Right ſhould be in the King.

When a ſuddain Tumult and Inſurrection hath broke forth into a dangerous Rebellion, the King hath in that exigency granted ſome temporal Indulgences, Manumiſſions, and other Immunities and Pardons, which at another time he would not grant; yet this in reaſon and conſequence hath been approved a violent Storm, being thereby avoided and appeaſed, and danger to the King and Kingdom prevented: May it not fall out upon the like grounds of reaſon, that the King (who is the publique Sentinel) forſeeing any Tempeſt or Danger, or the decay of the *Trade*, *Wealth* or *Strength* of the Kingdom, may thereupon, and to prevent it, grant *Indulgence* to his Subjects in Spiritual Matters.

If this Power ſhould be denyed him, it cannot in reaſon be expected that he ſhould be ſo well furniſhed without it as he ſhould be, to prevent a *common Miſchief* or Danger.

Biſhop *Taylor* hath a Rational as well as *Theological* Diſcourſe on this Subject: It is, ſaith he, a great fault, that men will call the ſeveral Sects of Chriſtians by the name of *ſeveral Religions*. *Biſhop* Taylor's *Book of the Liberty of Prophecying*, pag. 536, 537.

All the Sects, and all the Pretences of Chriſtians, are but ſeveral Species of Chriſtianity, if they do but ſerve the *great End*; as every man for his own Sect and Intereſt believeth for his ſhare he does.

In reaſon, the Prince is to Order and Indulge ſuch of them as he thinks fit, the better to ſerve his great end.

To *Tollerate*, is not to *Perſecute*; and the Queſtion, Whether the Prince may Tolerate divers Perſwaſions, is no more than whether he may *lawfully Perſecute any man, for not being of his Opinion?*

If he ought not in Juſtice and Reaſon to do this, it follows in reaſon, that he have a Power to Indulge them.

The Prince is juſt to Tolerate diverſity of Perſwaſions, as he is to Tolerate publique Actions; for no Opinion is *Judicable*, nor no Perſon *Puniſhable* but for *a ſin*.

If the Non-conformity be *no Sin*, it is reaſon that it be Indulged; and in reaſon, none is ſo fit as *the Prince* to give this Indulgence.

And it is not only *lawfull* to Tolerate diſagreeing Perſwaſions, but the Authority of God only is competent to take *notice of it*, and infallible to determine it, and fit to judge.

And therefore no humane Authority is ſufficient to do all theſe things, which can juſtifie the inflicting of temporal Puniſhments upon ſuch as do not Conform in their Perſwaſions, to a Rule or Authority which is not only *fallible*, but ſuppoſed by the diſagreeing Perſons to be *actually deceived*.

But I conſider, (ſaith the Biſhop) that in the Toleration of a different

different Opinion, *Religion* is not properly and immediately concerned, ſo as in any degree to be indangered.

Tertullian *ad Scapul. Humani juris & naturalis poteſtatis unicuique quod putaverit colere, ſed nec Religionis eſt cogere religionem quæ ſuſcipi ſponte debet non vi.*

It is alſo a part of Chriſtian Religion, that the Liberty of mens *Conſciences* ſhould be preſerved, in all things where God hath not ſet a limit and made a reſtraint; that the Soul of man ſhould be free, and acknowledge *no Maſter* but Chriſt Jeſus; that matters Spiritual ſhould not be reſtrained by Puniſhments Corporal.

Thuanus wiſely obſerves, That if you Perſecute Hereticks or Diſcrepants, they *Unite themſelves* as to a common defence; if you Permit and Indulge them, they *divide themſelves upon private Intereſt*; and the rather if this Intereſt was an ingredient of the Opinion: the reaſon therefore is much the ſtronger for this Indulgence.

Hæretici qui pace data ſcindunter perſecutione uniuntur. Contra Remp. Dextra præcipue capit Indulgentia mentes Aſperitas odium ſævaque Bella parit.

In Caſes where there is no ſin, nor diſturbance of the publique Peace, it is not only lawful to permit, but *neceſſary*, that Princes and all in Authority ſhould not Perſecute diſcrepant Opinions.

5. That this right of granting Indulgence is in the King, ſeems alſo to be warranted from the Common Law of *England*.

The Statute before cited, recites, that by *authentique Hiſtories* and Chronicles, it appears, that this Realm is *an Empire*, and both Spiritualty and Temporalty ſubject to it, and that the King is Supream Head thereof.

24 *H.* 8.

This being ſo by the Common Law, He as *ſupream Head* may grant any Indulgence or Diſpenſation where the Law doth not forbid the ſame. And I know no Law which forbids the Kings granting of Indulgence in this Caſe.

4 *H.* 3. 7 *H.* 3. *prohibit.* 13, 15 *H.* 3. *prohibit.* 15. 22. *Cok.* 5. *Rep. Eccles Caſe*, fol. 1.

In the time of K. *Hen.* 3. and ſince, Prohibitions were frequent, and granted as the Kings right by the Common Law. So was the Writing in the Kings Name to the Biſhop, to abſolve a perſon Excommunicate, and to certifie Loyalty of Marriage, Baſtardy, and the like.

If in theſe Spiritual matters, the King by the Common Law might indulge, as to abſolve a perſon Excommunicate, and the like, he may upon as ſtrong Reaſon of the Law give Indulgence in the matters now deſired.

17 *E.* 3. 24.

We find alſo in the Annals of our Law, Reſolutions that the King may *exempt any Eccleſiaſtical perſon* from the Juriſdiction of the *Ordinary*, and may grant to him Epiſcopal Juriſdiction and Exemption; this was nothing elſe but an Indulgence granted by the King, and that from the grounds of the Common Law.

11 *H.* 7. *f.* 12.

By the Common Law the King may diſpenſe with *Eccleſiaſtical Law*, for *Pluralities*, and for a Baſtard to be made a Prieſt; by the ſame ground of Law he may grant the Diſpenſation and Indulgence which is now deſired.

A Diſpenſation, or a *Non Obſtante*, is nothing elſe but an Indulgence in that particular caſe, according to the Canon Law.

And

And it was the Reſolution of all the Judges of *England*, in the 21ſt year of King *James*, That the King, upon any Cauſe moving him, in reſpect of *time*, *place*, *perſon*, &c. may grant a *Non Obſtante* to diſpenſe with any particular perſon, that he ſhall not incurre the *penalty of a Statute*; and this agreeth with Books of Law. *Coke 7 Rep. Caſe. de penal Laws, f. 16. 37.*

Another Reſolution was by divers of the Judges; That the King may *pardon* an Indictment upon the Statute of 5 *Eliz.* and that he may by the Common Law give *a Licenſe* to one to exerciſe *a Trade*, for all his Life-time, although he had not been *an Apprentice* to it, becauſe it is not *malum in ſe*, but *malum prohibitum*. *10 Apr. 9 Car. 1. at the Seſſions at Newgate.*

Upon the ſame Reaſon and ground of Law, the King may grant a Licenſe of Indulgence in ſpiritual matters, as well as in thoſe Caſes of temporal matters, eſpecially when the Indulgence is not deſired for any thing that is *malum in ſe*, but only, perhaps, *Bonum prohibitum*. *Coke 11 Rep. f. 88. Diſpenſatio mali prohibiti ſi de jure domino Regi conceſſa, propter impoſſibilitatem prævidendi de omnibus particularibus. Diſpenſatio eſt provida relaxatio mali prohibiti, utilitate ſeu neceſſitate penſata.*

It is agreed for Law in another Caſe, in our Books, That the Law hath given power to the King, that of right he may diſpenſe with a prohibited evil, becauſe of the impoſſibility of *foreſeeing* all particulars which may fall out. And that a Diſpenſation is a provident relaxation, or Indulgence of a prohibited evil upon conſideration of profit or neceſſity.

The right to do this, being by our Law in the *King*, comprehends within the ſame right of the King, his granting of Indulgence in matters ſpiritual.

By the *old Law*, no Lord, or Knight could go beyond Sea, becauſe thereby the Realm might be diſfurniſhed of valiant men.

Yet in that Caſe the King might by the Common Law, grant *Licence*, or Indulgence to any Lord, or Knight, or other, to go beyond Sea, and diſpenſe with that Law.

But I am not arguing at the Bar, a point of Law, to cite all Authorities I can meet with for it; I only mention *a few*, to the end that by them, the *reaſon* of the Law, and the *Application* to our preſent purpoſe, may be the better apprehended: I ſhall therefore forbear to cite more, and conclude with this one general ground of our Common Law, the wiſdom whereof hath thought fit, that Acts of Grace and Favour ſhould be in the *Right of the King*, to be diſpenſed *by him*, for the more obliging of his Subjects, and the gaining their affections to him. *Britton. f. 280. 282, 283. Fleta, l. 6. c. 8. Coke Comment on Littleton, f. 131.*

Hence it is, that the granting of *Exemptions*, *Licences*, *Faculties*, *Diſpenſations*, *Non-obſtante*'s, and the like Acts of Grace, are left unto the King, and are in his right to grant or deny them, as he ſhall judge fit. So it is, if a man be convicted of *Felony*, or *Treaſon*, and hath judgment of Death paſt upon him by the Law, he is to ſuffer Death; yet the Law gives the Power and Right to the King, that he may *indulge* this condemned perſon, and give him a pardon for his life, which is every dayes experience. And many in our time, have taſted the fruits of his Majeſties Grace and Clemency herein: And if the Common Law gives this Right of Indulgence for *Life* to the King, it were hard to deny it him in Spiritual matters, for not *coming to Church*, or the like.

6. That this right was in the King by the Common Law, and practice of it, may appear from many both ancient and later *Precedents*; ſome whereof,

and first before the time of *W.* 1. will be remembred in their order.

Sir *John Davis, Rep. Case de præmunne*, f. 88.

It is observed, that as under the Temoral Monarchy of *Rome*, *Britain* was one of the *last* Provinces that was won, and one of the *first* that was lost again; so under the spiritual Monarchy of the Pope, *England* was one of the *last* Countreys of *Christendom* that received this Yoak, and one of the *first* that did reject, and cast it off again.

That the Sea of *Rome*, before *W.* 1.s time, had no Jurisdiction in *England*, neither in the time of the *Brittans*, nor of the *Saxons* (as appears by the passages of *Pelagius*, and *Colman* an *Irish Saint*, and divers others in our story,) but that the Kings then exercised Supream Spiritual Jurisdiction, appears in part by what hath been before noted out of our stories.

Jo. Trev. Malmesbur. Usher de Brit. Eccles. c. 4. *Mat. Parker*, p. 34.

It will not be supposed an easie thing, at so great a distance of time, and after so many Revolutions and injuries of accidents, to find particular *apt precedents* for that which is our present argument; yet there seemeth to have been some even in those times not impertinent to our purpose. In the Reign of the British King *Arviragus*, in the 63 year after the birth of our Saviour, it is related, that *Joseph* of *Arimathea*, and eleven more of *Philips* Disciples, arrived in *Brittan*, and preached the name of Christ unto the *Brittans*, who were then *Pagans*.

This new Doctrine and Religion wholly contrary to *Paganisme*, and tending to the subversion of *that* whereof the *Brittans* were so blindly zealous, yet tho they could hardly be perswaded to change the Traditions of their Fathers, nevertheless they were so far from persecuting of these Non-conformists to the *old Religion*, that they freely permitted them to preach, and to instruct the people in this new Doctrine and Worship, though wholly different from their own Profession.

And the King did so far grant Indulgence to them, and to all that would hear them; that every one had the liberty of his own Conscience indulged to them.

And because these *Preachers* came from far, and that their lives were full of *Modesty* and *Meekness*, and that they instructed the people in *pious things*; the King for their maintinance, granted to them the *Isle of Glassenbury*; each one of these *Non-conformists* having an *hide* of Land given to him, and they twelve in number, they are called the *twelve Hides of Glassenbury* to this day.

You see the *Pagans* were so far from persecuting them, or taking any thing from them, as they gave them a livelyhood.

This Indulgence and grant was confirmed by many of the *Saxon* Kings their Successors.

When *Paganus* and *Damianus* preached the Gospel of Christ to the *Brittans*, King *Lucius* not only gave them Indulgence, though their Doctrine and Religion was so contrary to *Heathenisme* then professed here, but both the King and his People became *Non-conformists* to their old *Pagan Worship*, and embraced the true Faith of Christ.

How much longer might that blessed Truth have been hid from our eyes, and that glorious Light of the *Sun of Righteousness* have been obscured from our eyes, had it not been for granting Indulgence to the preaching of it? sure we ought to have the better opinion of Indulgence, since Christianity was introduced by it.

So

So it was when *Auguſtin* the Monk preached to the *Saxons*, had he not been indulged to preach, and the people to hear, our *Saxon Anceſtors* had not been converted to the knowledge of Chriſt Jeſus.

The Chriſtian *Saxon*, King *Kenulphe*, by the Counſel of his Biſhops and Senators, did grant to the Abbey of *Abingdon*, certain Lands with an expreſs clauſe of Indulgence contained in the grant: That the Abbot and his Succeſſors ſhould be free for ever from *all Epiſcopal Juriſdiction*, and that the Tenants and Inhabitants ſhould *not be depreſſed by the yoak of any Biſhop or his Officials, but in all things ſhould ſubmit to the Decrees of the Abbot.* And although this were done by the Councel of his Biſhops and Senators, that doth not impeach, but rather fortifie the Kings *Right* to do it, by their Judgments that it ſhould be done by him.

Stamford. 3. c. 38. f. 111. 1 *H.* 7. f. 23. tit. 2 *Coke* 5 *Rep. Eccl. Caſe.* f. 9. *Ab omni E piſcopali ju ve in tempe ternum eſſe quietus, nu lius Epiſco aut ſuorum officialium jugo inde deprimantur.*

In the Laws of King *Alured*, he grants Indulgences and Immunities for the Clergy themſelves.

And when *Gregory* ſent *Auguſtin* the Monk and his Companions, to convert the *Saxons*, they ſtayed in the Iſle of *Thanet*, till the *Kings pleaſure* were known, and whether he would grant them Indulgence to exerciſe their Religion here, and inſtruct others therein; which the King (although it were ſufficiently different from the Religion then profeſſed by the Heathen *Saxons*) did grant unto *theſe Diſſenters*, and encouraged them ſo far, that at length they became of their perſwaſion.

Leg. Alured Reg. c. 2. *Biſſon. diſſer.* p. 40 *Bede l.* 1. c. 25.

The Application may be thus far proper, That if *Pagans* gave ſo much Indulgence to Chriſtians, it would ill beſeem Chriſtians not to give the like to one another.

7. Some Precedents in the time of *W.* 1. and after, down unto our own memories, may be next in order remembred.

Eadmerus, f. 165. 167 7 *E.* 3. *Quare Imp* 19. 5 *Rep.* f. 10 *Mat. Paris Anno* 1119 *Coke* 5 *Rep. Eccle Caſe.* f. 106

W. 1. granted a full Indulgence by his Charter of Exemption unto *Battel-Abbey*, that they ſhould be under *no Juriſdiction of the Biſhop:* And it was an Indulgence to the *Free-holders*, when he divided the Biſhops Court from the *Hundred Court*, which before that ſate both together.

So was his appropriating of Churches *without Cure* to Eccleſiaſtical Perſons; The like exemption and Indulgence is granted by his Charter to the Abbey of *Reading*.

H. 1. granted an Indulgence by his Charter to the Abbey of *Reading*, and ſaith, he doth it as well in regard of *Eccleſiaſtical as Regal Power.*

Roger Hovenden, f. 496.

H. 2. granted an Indulgence to his people, That *none of the Popes Decrees* ſhould be executed here, nor any of his Bulls of Excommunication.

He did the like to his Clergy of *Normandy*, in the Exemptions he granted to them.

Not. in Eadmer p. 149

It was a great Indulgence, which King *John* granted to *William Marſhal*, to have the Donation of the *Paſtoral Staffe* of the Abbey of *Nutlege.*

45 *H.* 3. *Rot. Stans* in 14 *dorſo*

H. 3. exerciſed this Right of Indulgence, when he forbad that men ſhould not be drawn in Plea out of the Realm.

1 *E.* 1. *Rot. Stans* in. 5. *dorſo*

E. 1. indulged whom he pleaſed to go to *Rome*, and indulged his People againſt the Proviſions of the Pope.

H. 11. *E.* 1 *Rot. fin. M* 5.

In *E.* 2. time, as frequently before and ſince, were Prohibitions to the ſpiritual

Courts, and Indulgences and Licenſes granted by the King in caſes of Pluralities, and Diſpenſations of ſeveral Natures, upon the ſame reaſon and ground of Law as the preſent Indulgence is deſired.

17 E 3. n. 23. In our Law Annals of *E.* 3. is a Reſolution, that the King may exempt any Eccleſiaſtical Perſon from the Juriſdiction of the *Ordinary*, and may grant him Epiſcopal Juriſdiction, and that this King did ſo to the religious Houſes founded by him.

An Act of as high exerciſe of the right of Indulgence in Spiritual matters as may be.

And indeed, all Monaſteries and religious Houſes in *England* and elſewhere, are teſtimonies of this right of Indulgence in the King; for they all enjoyed ſuch Exemption, the fruits of that Right, and yet the Spiritual Judges did not think themſelves injured thereby.

The Precedents in *R.* 2. *H.* 4. and *H.* 5. time, as to the like Exemptions, and granting of Licences, diſpenſing with the then received Law in matters Spiritual, are obvious in our Records.

H. 6. f. 1. The like are in *H.* 6. time, when it was adjudged that the Popes Excommunication was of no force, and his Subjects were much Indulged againſt them.

H. 6. f. 16. This right of the King was alſo aſſerted by that Judgment in his time, That the King only may grant a Licenſe to found a Spiritual Incorporation.

King *E.* 4. granted the like Exemptions, Diſpenſations and Licenſes in ſpiritual Matters, as his Predeceſſors had done.

11 *H.* 7. f. 17. So did *H.* 7. and in his time the Judges reſolved, That the King might diſpence with the Eccleſiaſtical Law for Pluralities, and for a Baſtard to be made a Prieſt, as hath been remembred.

King *H.* 8. not only exerciſed this right himſelf, but aboliſhed all pretence and practice thereof by the Biſhop of *Rome*, as hath been mentioned; and procured this to be done, and his *own right* to be acknowledged, by the Parliament.

E. 6. and his Siſter Queen *Mary* exerciſed the ſame right, only Queen *Mary* advanced that which her Father and Brother had aboliſhed.

Queen *Elizabeth* followed the Precedent of her Brother, and in the beginning of her Reign, when there was a ſcarcity of Miniſters that would conform to the Reformation, and it was difficult to get *Preachers* after that way, the Queen took upon her to give Licenſe and Indulgence *to Lay-men to Preach publiquely*, although they were not in Orders.

And I have been particularly and credibly informed of a Gentleman in *Oxford-ſhire*, who being *High Sheriff* of that County about 1 *Eliz.* whoſe Grandchild at the writing hereof was the worthy High Sheriff there, That the Grandfather by ſpecial Licenſe from the Queen, being a Gentleman of *Parts* and *Learning*, did himſelf *Preach publiquely* to the *Judges at the Aſſizes*, when he was High Sheriff: Nor would the like be more a crime now than it was in thoſe dayes, if there were the ſame neceſſity; but Bleſſed be God we are more plenteouſly furniſht.

We may now look upon ſome Precedents of our own time, ſuch as many yet alive may remember; in the times of the late K. *James*, K. *Charles* 1. &c.

In King *James* his time, it was Reſolved by the Judges, That all Proceedings

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in the Eccleſiaſtical Courts *Ex Officio*, are for the King; for which reaſon, whatſoever the Suit there be, the King may *Pardon* it, for thoſe Suits are only to Convict or Puniſh the Party, for the Offence or *Fault* which the King may Pardon, and not for the perticular Intereſt of the party. 2 *Ja. C. B. Tr.* Hall's *Caſe. Coke* 5 *Rep.* f. 51.

This Precedent and Reſolution ſeems much to teſtifie the Kings *Right of Indulgence* to any of his Subjects, whoſe Opinions in ſome *Ceremonies*, or other matters of *Diſcipline*, are different from the Opinions of their Magiſtrates, to which in tenderneſs of Conſcience they cannot conform; and for their Nonconformity are Puniſhable by the *Spiritual Judges*, (as they are termed) and by other Officers, for the Correction of that fault; and this the Judges Reſolved, that the King might *Pardon*. And for the King to grant an *Indulgence* in theſe matters, is no other but a Pardon of the Offence in them, and the particular Intereſt of *no Man* is concerned to hinder this Pardon or Indulgence: And therefore by this, and divers Precedents purſuant to this Reſolution, the Kings right of giving this Indulgence is affirmed.

Another Precedent in King *James* and King *Charles* 1. time, ſeems to me to have a great reſemblance, if not to be the ſame with the Indulgence now diſcourſed of, and therefore I ſhall be the more particular in the recital of it.

It pleaſed thoſe Kings in their Clemency and Wiſdom, by their Letters Patents under the great Seal of *England*, to grant to divers perſons of the *French* and *Dutch* Nations, Proteſtants then reſiding *England*, this Liberty and Indulgence; That they in diſtinct Congregations by themſelves, and in publique Churches or other Places, might meet and exerciſe the Reformed Religion and Worſhip of God, in ſuch Order, and according to ſuch Forms, and with *ſuch Ceremonies* as were, or ſhould be *agreed upon among themſelves*; and after the Rites and Uſages of their particular Churches and Congregations, without *Conforming* to the Order and Ceremonies of the *Church of* England.

This Indulgence and Liberty was injoyed by them all the time of King *James*, after the grant of it.

And under his Son King *Charles* 1. it was continued and enjoyed alſo by them, and they were not compelled to come to any *Pariſh Church*, or other place than their own particular Congregations and Aſſemblies: Nor were they at all queſtioned for the breach of any Law of Conformity; but this Indulgence of the King did wholly free them from Penalties of thoſe Laws, or moleſtation in the different Exerciſe of their Religion.

The Parliament ſo far declared their Judgment, that this right of Indulgence was in the King, that it was one of their Objections againſt the late Arch-Biſhop *Laud*, That he *endeavoured to diſturb theſe Diſſenting Proteſtants* in their enjoyment of this Indulgence, and to have it taken away from them.

The Arch-Biſhop anſwered, That the reaſon of his ſo doing, was becauſe the firſt Indulgence being granted to *Forreigners* and *Strangers*, who fled hither from *Perſecution*, and as to a Sanctuary to preſerve the Liberty of their Conſciences in the Reformed Religion, and therefore it was fit and charitable to afford them ſuch Protection and Indulgence.

But that thoſe who enjoyed it at preſent, were not ſuch perſecuted People, who fled hither for their Religion, but were the *Children* and Poſterity of thoſe,

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and were now become *Natives and Denizens of* England; and therefore ought to yield the ſame conformity to the Laws as others of the Kings Subjects did, and for that reaſon, in regard of their Non-conformity, he ſaid he moved his Majeſty to take away that Indulgence from them.

But this Anſwer was not approved, the King thought fit to continue his Grace and Favour to theſe Sons of Strangers, and to preſerve his own right in granting and confirming this Indulgence.

The Arch-Biſhop acknowledged this *Right* to be in the King, by moving him to take it away; and the Parliament acknowledged it to be in the King, by their not being ſatisfied with the Arch-Biſhops anſwer to their Charge about it, and by their Proceedings in it.

And the confirmation and continuance of this Indulgence in Spiritual matters to the Children of thoſe Strangers, now become Natives of this Kingdom, which they juſtly and deſervedly enjoy to this day, under the Goodneſs and Favour of our preſent Gracious Sovereign, is no ſlender Argument of his Majeſties Right to grant the ſame, and to grant the like Indulgence to any other of his Loyal Subjects.

Another Precedent in our time, is upon ſeveral Acts of Parliament in the
27 *El.* c 2. time of Queen *Elizabeth* and King *James*, by which all Jeſuits and Romiſh
1 *Ja.* c. 4. Prieſts are prohibited from coming into this Realm, upon Pain of *High Trea-*
3 *Ja.* c. 5. *ſon*; and Rewards are given to thoſe who ſhall diſcover them here, and Forfeitures for ſaying or hearing of *Maſs*. And in theſe Statutes nothing is mentioned or reſerved as to the Kings right of Diſpenſing with them, or granting Indulgence upon them.

Nevertheleſs we all know, that in our time all along, upon *Reaſons of State*, for publique Service and Occaſions, and upon Contracts of *Marriage* by our Kings with Forreign Princes, upon great Advice and publique Treaties, it was thought fit and lawful, that our Kings ſhould grant Indulgence to ſuch *Romiſh Prieſts*, and ſuch a *Number of them* as was agreed and held expedient for attendance in the Courts of their *Royal Conſorts*.

And although nothing thereof is mentioned in thoſe Statutes, yet no queſtion hath been made upon the Kings right of Indulgence on this occaſion, but the ſame remains undiſputed and acknowledged.

And ſurely, upon the ſame grounds of Reaſon and Law, by which our Kings have and exercile this right of granting Indulgence to the Chaplains and Servants of our *Queens*, though *Romiſh* Prieſts and *Engliſh*-men, and no reſervation thereof in thoſe Acts of Parliament, (but this right taken as Inherent in the Crown,) our King may likewiſe owe Indulgence to any other of his Subjects, differing in ſmaller matters of Religion.

There will be no need to mention the Precedents in our time, of the late Kings Order, That no Children of any of the Nobility ſhould be *Marryed*, without a particular Licenſe from the King; which he granted, and ſometimes permitted the Arch-Biſhop to grant.

Nor of the Kings granting of Licenſes or Indulgences under the *Great Seal*, to Perſons and their Heirs to *Eat Fleſh on Faſting-dayes*, and in *Lent*; although in the Statute 5 *El.* no reſervation or mention is of the Kings Power

Power to grant any ſuch Indulgence, but he doth it by Vertue of his *Supream Right* in matters Spiritual.

That one precedent of the Indulgence granted and continued to thoſe of the *French* and *Dutch* Proteſtant Congregations, is a very full teſtimony and acknowledgment of this right to be in the King, and that when he pleaſeth he may extend and grant the like to any other of his Native and faithfull Subjects of this Kingdom.

9. Not only precedents of elder and later, and of our own time, do affirm this right to be in the King, but it ſeems alſo warranted to be in him by ſeveral Acts of Parliament: We may look as high as the time of *E.* 1. in the Statute of *Carliſle*, forbidding the *Proviſions* of the Pope without the Kings *Licence*: If then he might grant that Indulgence, more ſtrongly he may do it now. 11 *E.* 1. c. 32.

The Statutes of *præmunire* doe highly aſſert the Kings right, as do thoſe of Proviſions, and are before in part mentioned.

To come to thoſe which ſeem nearer our matter: By the Statute of 25 *H.*8. it is enacted, That *Appeals from places exempt, which were to the See of* Rome, *ſhall be to the King in Chancery*; which aſſerts his right in thoſe matters *a fortiori*, in granting the Indulgence now deſired. 25 *H.* 8. c. 19.

By the Statute in the 26 year of this King, it is enacted, That the King may order, *&c.* as by any ſpiritual Authority or Juriſdiction, ought or may lawfully be Ordered, *&c.*

If then it did or doth belong to any ſpiritual Juriſdiction to grant Indulgence in ſpiritual matters, it is by theſe Statutes given unto the King.

But the Pope practiſed to grant Indulgences in *greater matters* than any upon earth, even to the Pardon of *ſins*, and freeing *Souls* out of Purgatory, (which will not be taken as a precedent.)

And as the Law of the Church was before this Statute taken, he might lawfully grant Indulgence in *any ſpiritual matters whatſoever*, and indulge *any Non-conformity*.

It therefore follows, that by *this Act*, the King hath the *ſame right*, and may lawfully order and grant Indulgence in the matters for which the ſame is now deſired.

By the Statute 28 *H.* 8. is recited, That the Biſhop of *Rome*, for profit uſed to grant to the Kings Subjects divers *Authorities*, *Faculties*, *Licenſes*, *Indulgences*, &c. And it enacts, that all *Diſpenſations* from the Sea of *Rome*, ſhall be voyd, and that the effects and contents of *Bulls*, *Faculties*, &c. purchaſed of the Sea of *Rome*, which ſhall be allowable, ſhall be confirmed under the Great Seal. 28 *H.* 8. c. 16.

By the Judgment of this Parliament, this right of Indulgence was declared and enacted to be in the King: And that ſuch Indulgences, *&c.* as were neceſſary and allowable for the people to have, (whereof the King was Judge) ſhould in the effect of them be paſſed under the Great Seal, that is, by the King, whoſe Warrant to the Chancellor doth authorize him to paſs a Grant under the *Great Seal* accordingly.

The Statute of 1 *El.* recites that in *H.* 8. time, divers good Laws, were made for the extinguiſhment of all uſurped and *forreign Powers, and Authorities*, and for the reſtoring and uniting to the *Imperial Crown* of this Realm, the ancient *Juriſdiction* thereto belonging; by reaſon whereof 1 *El.* c. 1.

the Subjects ever ſince enjoyed good order, and were diſburthened of the intollerable Charges and Vexations ſo uſurped on them.

That Act aboliſheth all forreign Juriſdiction *Spiritual* or *Eccleſiaſtical* within this Realm, and Enacts, That ſuch Juriſdiction, Spiritual and Eccleſiaſtical, as by any Spiritual or Eccleſiaſtical Power or Authority had heretofore been, or lawfully might be exerciſed or uſed for the Viſitation of the Eccleſiaſtical *State* and *Perſons*, and for Reformation under, and correction of the ſame, and of all manner of *Errors*, *Hereſies*, *Schiſms*, *Abuſes*, *Offences*, contempts and enormities, ſhould for ever by authority of that Parliament be united and annexed to the Imperial *Crown* of this Realm. I ſhall ſtill forbear to mention that arrogancy of granting Indulgences to reach to *Eternity*, to pardon *Sin*, at which every ſober Chriſtian may grieve, and will readily agree it not to be within this Act.

Nor will it be denyed, but that the Pope practiſed here, the granting of Indulgence to whomſoever he pleaſed, and in any ſpiritual *matter* whatſoever, and as the Law was then taken and ſubmitted unto, he was held *lawfully* to exerciſe that Juriſdiction.

If it were ſo, then the ſame Juriſdiction, and right of Indulgence, ſo exerciſed by the Pope, is now by *this Act* annexed and united to the Crown, and the King poſſeſſed and re-inveſted in his ancient Right, and the ſame may be accordingly exerciſed by him.

And the Power by this Act to order *Errors*, *Schiſms*, &c. will comprehend the granting of Indulgence, which ſome hold to be the beſt and ſafeſt way to order *Errors* and *Schiſms*; and doubtleſs, if there ever were a right of Indulgence exerciſed in this Realm by any *lawful* power, the ſame is by this Act veſted in the *King*.

But I ſhall thus briefly paſs by others, and come to that Act of Parliament, which in *expreſs terms* ſeems to allow this Right to be in the King, or gives it to him: And this is the Statute of 25 *H.* 8. c. 21. in which there is this clauſe:

25 *H.* 8. c. 21.

That the Arch-biſhop and his Commiſſary, ſhall not grant any other Licence, Diſpenſation, Faculty, &c. *in cauſes unwont, and not accuſtomed to be had at* Rome, *nor by Authority thereof, nor by any Prelate of this Realm, until your Grace, your* Heirs *or* Succeſſors, *or your, or their* Councel *ſhall firſt be advertiz'd thereof, and* determine *whether ſuch Licences, Diſpenſations,* &c. *in ſuch Caſes unwont, and not accuſtomed to be diſpenſed withall or allowed,* ſhall paſs or no. *And if it be determined by your Grace, your Heirs or Succeſſors, or your, or their Council, that Diſpenſations, Licences, or other writings in any ſuch caſe unwont ſhall paſs, then the Arch-biſhop or his Commiſſary, having Licence of your Highneſs, your Heirs or Succeſſors, for the ſame, by your, or their Bill aſſigned, ſhall diſpenſe with them accordingly.*

Provided that Diſpenſations, Licenſes, &c. *where the Taxe for expedition at* Rome *extended to* 4 l. *or above, ſhall not be put in execution till* confirmed by the King under the Great Seal.

And it enacts, that where the Arch-biſhop or Guardian of the Spiritualties deny to grant a *Diſpenſation*, or Licence, which ought to be granted; the Chancellour ſhall ſend an Injunction under the *Great Seal*, commanding it to be granted under a pain, which not being obeyed, and no juſt cauſe certified why it is not done, the Biſhop or Guardian of the Spiritualties ſhall forfeit ſuch Penalties. And the King after due Examination, that ſuch Licences, Faculties or Diſpenſations may be granted without offending the *Holy Scriptures*, and laws of God, may by Commiſſion under the Great Seal, to two ſpiritual Prelates or other Perſons to be named by him, authorize them to grant ſuch Licences.

And it gives power to the King for the ordering, redreſs and reformation of Indulgences formerly obtained at *Rome*, and ſuch of them as ſhall ſeem good and reaſonable, for the honour of God and the weal of his People, and ſuch order ſhall be obſerved.

This Statute in plain terms gives the right of granting Indulgence,

1. Where the cauſe is *unwont* and *unaccuſtom'd*.

2. Where it is a cauſe of *Importance*, as all will agree the Indulgence now deſired to be.

3. Upon a *Denyal of the Biſhops*, who will hardly take upon them to grant an Indulgence in the matter.

In *all theſe Caſes*, by the plain words of this *Act*, the Power and Right of granting ſuch Indulgence is clearly in *the King*, to whom this Statute *gives it* in expreſs words, if it were not in him by the former *Acts*, or (as indeed it alſo is) by the *Common Law* of *England*.

CHAP.

CHAP. VII.

The Anſwer to Objections againſt this Right of the King.

1. IT is objected, That if this Right ſhould be in the King, and he ſhould exerciſe the ſame, it would be a countenance and incouragement of Schiſms and Diviſions in the Church. *Object.*

To which is anſwered, That the *Perſecuting* of different Opinions, is that which cauſeth the *Schiſm*, not the diſſenting in Opinion; for if one be a *Non-conformiſt*, he troubles nor diſquiets no others by his Nonconformity; if they let him *alone*, he is ſatisfied. But when he is troubled or *puniſhed*, becauſe he differs in opinion from ſome in Power, *this* cauſeth the Rent or Schiſm in the Church, which otherwiſe would be whole; the *Perſecutors* cut off the Diſſenters from them, and are moſt properly to be termed the *Schiſmaticks*. *Anſw.*

But admitting theſe whom the Perſecutors call ſo, to be *Schiſmaticks*; yet to indulge them ſo, as that they ſhall not be *puniſhed*, is no more to incourage their *Opinions*, than it is to incourage the wearing of *Scarlet*, when men are *not puniſhed* for wearing of that, or of any other colour.

The way to countenance and incourage any thing, except by *rewards* and *performents*, will hardly be found effectual; the *not puniſhing*, is no reward; and the not puniſhing of Non-conformity, will not be found ſuch a reward or bait as to countenance and incourage *Schiſm*.

But admit the Prince upon Emergencies of State, ſhould evidently ſee it neceſſary, to countenance or incourage *Non-conformiſts*, and that the ſame would much tend to the preſervation of the Publick peace to grant indulgence to them, without which it might be endangered.

If this Right of Indulgence ſhould be denied him, the duty of common preſervation could not be expected from him, the requiſites and powers neceſſary thereunto not being allowed to him.

2. Another Objection is, That if the King ſhould exerciſe this Right of Indulgence, it would be a hindrance to that moſt deſirable thing in the Church of Chriſt, *Uniformity*. *Object.*

Anſw. To which is anſwered, That no good Chriſtian but will heartily pray and endeavour for this *uniformity*; yet as the Chancellor *Bacon* notes, *Unity and Uniformity* are Two things.

Lord St. *Albans* Eſſay of Unity in Religion.

One of the Fathers obſerves, That Chriſts Coat indeed had no *Seam*, but the Churches Veſture was of *divers Colours*; there may be an Unity, though not a ſtrict Uniformity.

Pſal. 133. 1. It is a good and pleaſant thing to *dwell together in Unity*; and we muſt endeavour to keep the *Unity of the Spirit in the Bond of Peace*,

Eph. 4. 3. 13. which ſurely is moſt broken by *Perſecution*.

There is no way but in the unity of the *Faith* and *knowledg* of the Son of God to come unto a *perfect man*, to the meaſure of the Stature of the fulneſs of Chriſt.

Matt. 18. 7. But, Chriſt tells us, That offences muſt come, but *Wo to that man* by whom the offence cometh.

Surely, the offence cometh more by him that perſecuteth than by him that pardoneth; and to differ from another in opinion, is no more juſtly an offence than to differ in countenance; notwithſtanding which difference in countenance, yet all are of one unity and uniformity *as men*.

Philip Nye Beams of former Light.

All Vines, Cedars, every Plant, and every Herb, every Beaſt and Bird, are uniform in their *Kind*, though there be ſome difference in each of them. So it is with gracious and holy men, being *a holy Seed*, and having this Seed remaining in them, their converſation for the ſubſtance is the *ſame*, and ſo is their profeſſion of Religion, notwithſtanding ſome Minute differences (as Biſhop *Taylor* calls them,) and it is ſo viſibly *uniform* and the ſame, as the blind World can diſtinguiſh them from other men.

So alſo in this part of their converſation, their Service of God in his Ordinances, if the Inſtitutions of Chriſt, and whatſoever he in his Word hath preſcribed as neceſſary means and circumſtances from more general rules be obſerved, you will have a natural, free and comely uniformity, and more to the Glory of God, than to have all by External injunctions caſt as it were in an artificial Mould; ſuch a forced Conformity in all Ages hath been the occaſion of greateſt differences and diſturbances.

The neglect of Scripture Rules which guide and direct an uniformity in matters of ſubſtance and great conſequence; and by Canons, and Injunctions, and other ways to erect an uniformity in matters of doubtful diſpute, and not of much concernment if they were cleared: The pretence of Uniformity, and upon that account taking liberty to impoſe doubtful Traditions, hath been in all Ages an Utenſil in the hand of Church Governours, by which they have exerciſed greateſt Tyranny.

One

One Council decrees, That all Miniſters muſt live ſingle lives for Uniformity. *Bellarmin* diſputes to have the Service in the ſame Language in all the Popes Dominions for Uniformities ſake: And what thing, be it never ſo abſurd, but may be brought into this Liſt?

There is an Uniformity ariſing from the Virtue of internal Principles, as alſo from an external mould or frame; the one is free and natural, the other compelled and forced.

Uniformity from internal Principles, is an excellency in Nature, and in Grace alſo.

No neceſſary Uniformity for the beauty and good of the Church is hindred, but advanced by the King's Right to grant Indulgence in Spiritual matters. And ſurely, no Perſon can be ſo proper and ſo fit a judge to diſcern and determin when this Uniformity is moſt beautiful aud moſt to be deſired, and how far, and when it is to be preſſed or indulged for the Churches good, as the Prince himſelf is.

3. Some will alſo object, That it would cauſe diſcontent for the King to exerciſe this Right of Indulgence, That thoſe who are for Uniformity and Conformity would be diſturbed at it. *Object.*

In anſwer to which may be ſaid, That ſurely much more diſcontent will ariſe, and more cauſe be given for it by puniſhing, than by pardoning. The one will give too much cauſe, the other gives no juſt cauſe of any diſcontent. *Anſw.*

The Wiſdom of the King will more conſider the cauſe of diſcontent, than the diſcontent it ſelf, and would himſelf have moſt cauſe of diſcontent, to be denied ſo great and neceſſary a Right, and ſo much conducing to the peace and welfare both of himſelf, and alſo of all ſorts of his Subjects, and without which he can hardly preſerve either.

Doubtleſs the beſt way will be to diſcontent as few as may be, eſpecially in a time when diſcontents are too rife, and too apt to riſe; and that will be found the way to content them, which allows them their moſt deſired Intereſt in this World, their liberty by this Indulgence.

Thoſe who are puniſhed for what they hold their Right, will be too apt and too much provoked to diſcontent, and to eſteem it an iſſue of Pride more than of Piety, and of Domineering more than of Meekneſs, to impoſe upon our Chriſtian Brethren. And may one not be as juſtly diſcontented, becauſe a fair hair'd man is not puniſhed when himſelf is brown, as becauſe one is not puniſhed for diſliking a Ceremony, with which the impoſer is pleaſed?

It will be found undeniable, that Meekneſs, and Indulgence to ſuch

Diſſenters will remove diſcontents, unite affections, and be ſecurity both to Prince and People.

Object. 4. Another Objection is, That if this Right be in the King, and he be pleaſed to exerciſe it by granting Indulgence to thoſe who diſobey the Laws, that this will be to countenance diſobedience in this, and other matters of the like nature.

The Law is, that every one ſhall conform to the Ceremonies of the Church; theſe Diſſenters will not conform, but diſobey the Law, and if they be indulged herein, they are countenanced in their diſobedience, and by this Example, others will be incouraged and expect indulgence in their diſobedience in other caſes, which may prove dangerous to Government.

Anſw. To this is anſwered, That whether the granting or denying of this indulgence will moſt endanger the Government, is to be left to the judgment of the King who is the Supream Governour.

(*) *Cicero* 1 4. de fin. Et ſi in ipſa gubernatione negligentia navis eſt everſa.

The *Swedes* call a Governour *Styrer Skib*, the ſtearer of a Ship; the *Latin* word *Gubernator* (*) and the *Greek* κυβερνήτης, have the ſame ſignification; and if the Steerſman be not permitted to judg what courſe the Ship ſhall ſteer, it will prove dangerous.

חכן The Hebrew word *Tachan*, to order, prepare, to weigh, number and preponderate, refers this to the King.

But I cannot admit Nonconformiſts to be diſobeyers of the Law. As to inſtance in a particular, The Law ſaith, That every one ſhall come to Church to hear Common-prayer, or elſe ſhall pay ſuch a penalty: He that pays the Penalty, doth as much obey the Law, as he that hears the Common-prayer; the one is agreeable to the Law as well as the other; either men muſt hear, or muſt pay; thoſe that hear, and thoſe that pay, do equally obey the Law.

If then the King indulge thoſe who do not hear, that they ſhall not pay, it is no countenancing of diſobedience, becauſe there is no diſobedience in the caſe.

It is only a diſpenſing with that puniſhment which is impoſed for an offence to the King, which he may pardon; or a remitting of that penalty or payment which is given to him.

Every common perſon may do the ſame, if Ten pound be given to a man, he may if he pleaſe remit it; and if one recover Money in an Action, and have judgment for it, he may if he pleaſe forbear to take the Defendant in execution, or to levy the damages which the Law gives him.

By the ſame reaſon the King may pardon the puniſhment, or remit the penalty which the Law impoſeth upon Nonconformiſts, and yet this is no countenancing of diſobedience.

5. It is further objected, That if this right be allowed in the King, it would be in his power by the exerciſe of it to repeal Statutes without the aſſent of his Parliament. *Object.*

Several Acts of Parliament ordain conformity; but if the King may indulge thoſe who do not conform, he doth in effect repeal thoſe Acts of Parliament, and make them to be of no force as to the Nonconformiſts.

To this ſomewhat mentioned in the laſt Section may in part be for an Anſwer. *Anſw.*

The Law enjoyns conformity, or elſe a penalty; he that ſubmits to the penalty, doth conform to the Law. And when the King indulgeth particular perſons as to part of theſe Laws, he doth not thereby repeal the Laws, but remit ſome of the Penalties.

To repeal an *Act of Parliament* is wholly to take it away, and to make it of no force; which our Law ſaith muſt be done by the ſame power that made it, the concurrent aſſent of the King, Lords and Commons in Parliament.

But when the King grants Indulgence to ſome Nonconformiſts, he doth not thereby repeal the Acts of Conformity, which ſtill continue; but only to ſome particular perſons he remits ſome of the penalty.

The Law is, that a Traytor ſhall ſuffer death; yet many have experience by his Majeſties clemency, that it is his right (if he pleaſe) to indulge and pardon the life of the Traytor. Nevertheleſs none will ſay that hereby the King repeals the Law of Treaſon.

Upon a ſentence of one to be an Heretick, the Law heretofore was that a Writ *de Hæretico comburendo* be taken out, and the Heretick to be burned.

Yet none of our Kings have been denied the Right, and have frequently practiſed it, to pardon the lives of ſuch ſentenced Hereticks as they thought fit to be indulged, and yet thereby the Laws againſt Hereticks were not repealed.

By the ſame reaſon the King may pardon and indulge ſome Nonconformiſts, and remit the Penalties which the Law impoſeth on them, and yet the Acts for Conformity are not thereby repealed.

6. But to come nearer to the great point in queſtion, the main objection is, That this Right of the King, if it were before in him, yet now by his own conſent it is barred and taken away by the late Act of this preſent Parliament for Uniformity. *Object.* Stat. 14 Car. 2. cap. 14.

If this be ſo, our queſtion is determined; the wiſdom and judgment of Parliament ought to bind and conclude all perſons in the Kingdom, who are parties, and involved in their judgments, and ought to acquieſce therein.

And

And with my particular due ſubmiſſion thereunto, it ſeems to me that nothing in this Act doth take away or impeach, but rather confirm this Right of Indulgence in the King.

One Clauſe in this Act provides, that the Penalties thereof ſhall not extend to the Foreigners, or Aliens of the foreign Reformed Churches, allowed, or to be allowed by the King, his Heirs or Succeſſors in *England*.

By this Proviſo, the Parliament declares their judgment, That this Right was and is fit to be in the King.

And there occurs to me no reaſon, but that the ſame Right is in the King to grant the like Indulgence to any other of his Subjects, as by this Proviſo is approved to theſe Foreigners, whoſe poſterity, now become Natives, do enjoy it.

This Right was in the King, either before the Statute of Queen *Elizabeth*, or annexed to the Crown by that Act. And either it was in him before the Statute of 25 *H.* 8. or is granted to him by that Act, as hath been before ſhewed.

If any way this Right was once in the King (as unqueſtionably it was) then it cannot be barred, nor taken away from him, without expreſs words in ſome ſubſequent Act of Parliament. But there are no words in the late Act of Uniformity to bar or to take away this Right from the King; therefore it remains in him as it was before, and there is nothing in this Act to the contrary.

It is true, that the King doth not diſpence with a Law, or any part of it, whereby particular Intereſts are concerned, as to thoſe particular Intereſts.

Therefore that part of this Act which giveth a Right of Preſentation to particular Patrons, upon the Nonconformity, is not to be diſpenſed with. But as to the Penalties of this Act, and of thoſe other Acts to which it relates, and which are reformation of manners, and wherein no particular Intereſt is concerned, the King may diſpence with ſuch Laws and Penalties; as the reſolution is in *Hales* Caſe, That the King may pardon Suites in the Eccleſiaſtical Courts, becauſe they are only to correct or puniſh the party for the offence, or default, which (ſaith the Book) the King may pardon, and not for the particular intereſt of the party.

Coke 5. Rep. Eccleſ. Caſe f. 6. 51.

By the ſame reaſon, the King hath a right to pardon or indulge the Penalties and execution of theſe Acts in which no particular Intereſt is touched, and which are to correct and puniſh the party for his offence and default againſt theſe Laws, eſpecially when there are no words in the Act to impeach, but rather to allow this right to

be

be in the King, and which clearly was in him before the making of this Statute.

CHAP. VIII.

Obſervations upon Examples of Perſecution.

1. PErſecution is a word taken from the Latin, *Perſequor*; which ſignifies to follow to the extremity; and denotes the execution of Revenge and ſlaughter.

That the good of Indulgence, and the evil of Perſecution may the better appear, ſome obſervations upon a few, of very many Examples thereof in the Holy Story are here inſerted; and to begin with theſe of Perſecution.

It is obſerved, that for the moſt part ungodly men excited by pride and envy, have perſecuted the godly. So it was in the firſt Perſecution in the World, when the elder Son of *Adam* perſecuted his Brother *Abel*.

Cain was an ungodly man, for unto him and to his offering the Lord had not reſpect; but *Abel* was a godly man, for he brought of the firſtlings of his flock, and of the fat thereof, and the Lord had reſpect unto *Abel* and to his offering; becauſe *Abel* and his offering had reſpect from God, therefore was his Brother very wroth, and perſecuted *Abel* for his Religion; ſuch was the pride and envy of his heart, upon which the Ingenious Biſhop of *Exon* thus contemplates: Gen. 4. 5. Gen. 4. 4. Biſhop *Halls* Contemplation upon *Cain* and *Abel*.

What then was the occaſion of this capital malice? *Abel*'s Sacrifice is accepted, what was this to *Cain*? *Cains* is rejected: What could *Abel* remedy this? Oh envy! the corroſive of all ill minds, and the root of all deſperate actions! The ſame cauſe that moved Satan to tempt the firſt man to deſtroy himſelf and his poſterity, the ſame moved the ſecond man to deſtroy the third.

It ſhould have been *Cain*'s joy to ſee his Brother accepted: It ſhould have been his ſorrow to ſee that himſelf had deſerved a rejection. His Brother's example ſhould have excited and directed him. Could *Abel* have ſtayed God's fire from deſcending? Or ſhould he if he could, reject God's acceptation, and diſpleaſe his Maker, to content a Brother? Was *Cain* ever the further from a bleſſing, becauſe his Brother obtained mercy? How proud and fooliſh is malice?

lice, which grows thus mad for no other cauſe, but becauſe God or *Abel* is not leſs Good? It hath been an old and happy danger to be holy.

This hath commonly been the ground of Perſecution, mens piety begets envy, and envy raiſeth perſecution from proud and ungodly men, who having the world at will, becauſe others are more acceptable to God than themſelves, therefore they in pride and envy, perſecute them as *Cain* here did his Brother *Abel*.

If there be an evil heart, there will be an evil eye; and if both theſe, there will be an evil hand.

Cain perſecuted and murthered his Brother *Abel* for his Religion: How early (ſaith our Biſhop) did Martyrdom come into the World? The firſt man that died, died for Religion. Who dare meaſure Gods love by outward events, when he ſees wicked *Cain* ſtanding over bleeding *Abel*, whoſe Sacrifice was firſt accepted, and now himſelf is Sacrificed?

Death was denounced to man as a curſe, yet behold it firſt lights upon a Saint. How ſoon was it altered by the mercy of that juſt hand which inflicted it?

If death had been evil, and life good, *Cain* had been ſlain, and *Abel* had ſurvived: Now that it begins with him that God loves, *Oh death where is thy ſting?*

This may comfort godly men being under Perſecution; and though it ſhould reach to death, yet it would be their happineſs.

And for the condition of their Perſecutors, it will be like that of *Cain*, who becauſe he perſecuted his Brother, was caſt out from the protection of God. He that feared not to kill his Brother, fears now that whoſoever meets him, will kill him; the troubled conſcience projecteth fearful things, and ſin makes even cruel men cowardly.

God ſaw it was too much favour for *Cain* to die, he ſhall live, but for a curſe, baniſhed from God, carrying his Hell in his boſom, and the brand of Gods vengeance in his forehead.

God rejected him, the Earth repines at him, men abhor him, himſelf now wiſheth that death which he feared, and no man dares pleaſure him with a murder.

How bitter is the end of him, yea without end, ſtill *Cain* finds that he killed himſelf more than his Brother; and in time all Perſecutors will find that they have perſecuted themſelves more than their diſſenting Brethren.

2. The next Perſecution which I ſhall mention, is that of *Pharaoh* perſecuting the *Iſraelites*, and this was upon a Ground of Spiritual matters.

matters. The meſſage which God ſent by *Moſes* unto *Pharaoh* was for an Indulgence in Spiritual matters. *Let us go we beſeech thee three days journey into the Wilderneſs, that we may ſacrifice unto the Lord our God;* Exod. 3. 18 *and let my ſon go that he may ſerve me.* Exod. 4. 3

When *Moſes* and *Aaron* had delivered their Meſſage to *Pharaoh*, and prayed his Indulgence to the *Iſraelites* to go and ſacrifice to the Lord; the Tyrant perſecuteth them the more, and ſays, *Ye are idle, ye are idle, therefore ye ſay let us go and do ſacrifice to the Lord. Go and work, no ſtraw ſhall be given you, yet ſhall ye deliver the tale of Bricks.* Exod. 5. 3. Exod. 5. 13.

Then is the River turned into Blood, and *Moſes* again demands the Kings Indulgence, *Let my people go that they may ſerve me.* But *Pharaoh*'s heart is hardned, and Frogs are ſent, this made him a little relent, *Intreat the Lord that he may take away the Frogs, and I will let the people go that they may ſacrifice.* The Frogs being taken away, the Tyrants heart is again hardned, *He will not let the people ſerve the Lord.* Then Lice are ſent; and before every new Plague, leave is deſired for the people to go and ſerve their God, but *Pharaoh* would not grant this Indulgence, as ſoon as the Plague was removed his heart was hardened, and he would not let the *Iſraelites* ſerve the Lord their God. Exod. 7. 20. Exod. 8. 1, 4. Ver. 8.

But upon the death of their firſt-born the King and his Servants are willing, *Go and ſerve the Lord as ye have ſaid.* Exod. 12. 31.

No ſooner are they gone, and the Plagues ceaſed, but *Pharoah* reſolves to recall them, and to continue his Perſecution of them; but therein the Judgment of God appeared againſt Perſecutors, and his zeal for his people to have this Indulgence by deſtroying the denyers of it, *Pharaoh* and all his hoſt periſhed in the Red Sea.

3. The next Perſecution which was intended only, was that of *Haman* againſt the *Jews*. Such was his pride, becauſe *Mordecai* the *Jew* did not bow to him, and do him reverence, that he thought ſcorn to lay hands on *Mordecai* alone, but thought to deſtroy all the *Jews*. And his pretence for this Perſecution was by ſuggeſting to the King *Ahaſuerus*, *That there is a certain people in all the Provinces, and their Laws* (that is the Laws of their Religion) *are divers from all people*; they were Diſſenters, *neither keep they the Kings Laws*, they were abſolutely Nonconformiſts, and therefore he concludes and counſels the King, It is not for the Kings profit to ſuffer them. The King himſelf was contented to indulge them, but this great Favourite out of pride, and his malice to *Mordecai*, and for his ſake to all the *Jews*, perſwades the King thus, *If it pleaſe the King let it be written, that they may be deſtroyed.* The King hearkens to *Haman*'s Eſth. 3. 5, 6. Eſth. 3. 8.

advice, and a Decree is ſent out to perſecute all the *Jews* to their utter deſtruction; but afterwards through Divine mercy, by the means of Queen *Eſther* and *Mordecai* miraculouſly prevented. And altho here was only a deſign and intention of perſecuting Gods people, and not put in action, yet ſuch was the jealouſie and wrath of God againſt the Enemies of his people, that the chief contrivers of this Perſecution, *Haman* and his Sons, were hanged on the Gallows, and near eighty thouſand of the Perſecutors ſlain by thoſe whoſe ruin they deſigned. And the King commanded by his Letters, That *Haman*'s wicked deviſe which he deviſed againſt the *Jews* ſhould return upon his own head, which may terrifie all malicious or impious men from perſecuting of their Brethren.

Eſth 9 25.

4. The Perſecution which *Nebuchadnezzar* made may likewiſe afford us an obſervation:

Dan. 3. 1, 4, 5, 6. The King made an Image of Gold, and had a ſolemn Dedication of it, and a Decree was made and proclaimed, That all people when they heard the Muſick ſhould fall down and worſhip the Golden Image which *Nebuchadnezzar* the King had ſet up. Then this Decree and Law of Conformity highly impoſeth on the Conſciences of all his Subjects, and that upon a moſt ſevere and capital puniſhment:

Dan. 3. 6. *Whoſo falleth not down and worſhippeth, ſhall the ſame hour be caſt into the midſt of a burning fiery furnace.* All conformed to this Law, except a few godly *Jews*, and againſt them ſome envious pick-thank *Caldeans* complained to the King, and accuſed *Shadrach*, *Meſhach*, and *Abednego*, that they would not conform, and deſigned to perſecute them to their deſtruction.

Dan. 3. 12, 13, 14. They informed the King, *Theſe men, O King, have not regarded thee, they ſerve not thy gods, nor worſhip the Golden Image which thou haſt ſet up.*

Then *Nebuchadnezzar* in his rage and fury commanded them to be brought before him, and examined them, who ſtoutly profeſſed their Religion, and confidence in God.

Then the King commanded that they ſhould heat the furnace one ſeven times more than it was wont to be heat, and theſe men were caſt into the midſt of the burning fiery furnace.

But to the aſtoniſhment of the King and all the Perſecutors, they were delivered; and the King bleſſed the God of Heaven, *Bleſſed be the God of Shadrach, Meſhach, and Abednego, who hath ſent his Angel, and delivered his ſervants that truſted in him, and have changed the Kings word, and yielded their bodies, that they might not ſerve nor worſhip any God, except their own God.*

Dan. 3.28.

The

The King and the Perſecutors were convinced, and a Decree was made, that none ſhould ſpeak amiſs of the God of *Shadrach*, *Meſhach*, and *Abednego*.

Of this King it is ſaid, *When his heart was lifted up, and his mind hardned in pride, he was depoſed from his Kingly Throne, and they took his glory from him, and he was driven from the ſons of men, and his heart was made like the beaſts, and his dwelling was with the wild aſſes, they fed him with graſs like an ox, and his body was wet with the dew of heaven, till he knew that the moſt high God ruled in the Kingdoms of men, and that he appointeth over it whomſoever he will.* Dan. 5.20, 21.

5. In the time of King *Darius* there were envious Perſecutors of godly *Daniel*, who ſought occaſion againſt him concerning the Kingdom, but they could find none occaſion or fault. Dan 6.4,5, &c.

They would fain have removed him from his Preferments to have made way for themſelves, and when they could find no default in him as to his Civil imployments, foraſmuch as he was faithful (as moſt Nonconformiſts are) neither was there any error or fault found in him; Then the Perſecutors ſaid, *We ſhall not find any occaſion againſt this Daniel, except we find it againſt him concerning the Law of his God.*

Hereupon they ſought to intrap him, and acquaint the King, That all the Preſidents, Princes, Governours, Councellors, and Captains, a great publick Councel had conſulted together to eſtabliſh a Royal Statute, and to make a firm Decree, *That whoſoever ſhall ask a Petition of any God or man for thirty days, ſave of thee, O King, he ſhall be caſt into the den of Lions; and they prevailed with the King to ſign the Decree.*

Then *Daniel* when he knew that the Writing was ſigned, he went into his houſe, and his windows being open in his Chamber towards *Jeruſalem*, he would avow his profeſſion and worſhip, not withſtanding the Law to the contrary; he kneeled upon his knees three times a day, and prayed, and gave thanks before his God, as he did aforetime.

This provoked the Perſecutors, they inform the King of it, who was willing to ſave *Daniel*, but they inſiſted on the Law of the *Medes* and *Perſians* which altereth not. Hereupon *Daniel* was caſt into the Lions Den, but his God preſerved him, and he was taken forth again the next day, but the Perſecutors, and their Wives and Children were caſt into the Lions Den; and the Lions had the maſtery of them, and broke all their bones in pieces, or ever they came at the bottom of the Den.

6. We may come to the higheſt of Perſecutions, to that of our bleſſed Lord and Saviour Chriſt Jeſus.

His perſecution began betimes, ſhortly after he was born, and continued till his Death, and will continue againſt his Members, till his coming again in Glory.

Matt. 2. 13. 16. *Herodes Aſcalonita ſought the young Child to deſtroy him, and when he ſaw that he was mocked of the Wiſemen, he was exceeding wrath, and ſent forth and ſlew all the Children that were in Bethlehem, and in all the coaſts thereof, from Two years old and under, according the the time he had diligently inquired of the Wiſemen.*

Joſephus Antiquit. l. 17. c. 7. & l. 17. 7. De Bello Judaic. c. 21. This bloody perſecutor (as *Joſephus* relates) was ſeverely puniſhed by God for his barbarous perſecution of our Saviour, and of theſe innocent and young Martyrs.

Mat. 4. 1. 2. Mat. 12. 14. The grand Perſecutor Satan tempted the Lord of Life in the Wilderneſs, when he faſted Forty days, and Forty nights.

Matt. 22. 15. After the Miracles which he had wrought, it is ſaid, that then the Phariſees went out and held a Councel againſt him, how they might deſtroy him. *Then they conſulted how they might intangle him.*

Matt. 26. 3. 4. 59 47. A publick Councel of the chief Prieſts, Scribes and Elders conſulted, that they might take Jeſus by ſubtilty and kill him; and to this end, all the Councel ſought falſe Witneſs againſt him, to put him to death.

His own Servant betrays him, the Multitude with Swords and Staves from the chief Prieſts and Elders of the People, apprehend him and lead him to the Councel, who pronounce their Sentence againſt him; He is guilty of death, then they ſpit in his Face, buffet him and ſmite him.

Matt. 26. 66. 67.

After all this they ſtill take councel againſt him to put him to death, they bound him and led him away, and delivered him to *Pontius Pilate* the Governour, who when the Rabble cried out, Crucifie him, releaſed *Barrabas*, and ſcourged Jeſus, and delivered him to be crucified; but of all others, the Soldiers uſed him moſt ſpitefully; they mocked him, put a Crown of Thorns upon his Head, ſpit upon him, ſmote him, and led him away to crucifie him. They gave him Vinegar to drink mingled with Gall, and pierced his ſide with a Spear after he was dead.

Matt. 27. 28, 29. 30, 34. Jo. 19. 34.

Thus was our bleſſed Redeemer rewarded by men, for all the good he did for them, they perſecuted him to death, who brought them Eternal life and glory.

But

But it were preſumption to ſpeak of that glorious Paſſion, and all the Perſecution of the Lord of Life in this ſmall Treatiſe, and by ſo weak a hand, which the Pen of the Holy Ghoſt hath deſcribed.

We may only Obſerve of his Perſecutors, that Judas hanged himſelf, *Pilate* and moſt of the Councel that condemned him, were (as *Eutropeus* and others affirm) afflicted with many and ſharp miſeries in this life and with violent deaths, beſides their puniſhment in the life to come. Joſeph. Antiq l. 18. Eutropius L. 7.

For the People of the *Jews*, our perſecuted Prince, foretold what ſhould become of them for their perſecutions.

I ſend unto you Prophets, and Wiſemen, and Scribes ; and ſome of them ye ſhall kill and crucifie, and ſome of them ye ſhall ſcourge in your Synagogues and perſecute them from City to City. Matt. 23. 34, 35, 38.

Then follows the moſt fearful of all Judgments.

That upon you may come all the Righteous blood ſhed upon the Earth, from the blood of Righteous Able, to the blood of Zacharias.

Behold your Houſe is left unto you deſolate : The Eccleſiaſtical ſtory ſets forth the full accompliſhment of this Prophecy, the ſad calamities which befel the *Jews* in the Siege of *Jeruſalem*, and the taking and demoliſhing of it, and of the ſtately Temple, whereof nothing was left but heaps upon heaps, and all buried in Ruine. Joſephus, Euſebius, Socrates Scholaſt, &c.

The People carried away Captives, loſt their Native Country, diſperſed over the face of the Earth, and beſides the unexpreſſible miſeries inflicted by Divine Juſtice on that Generation ; it reacheth alſo to all their Poſterity, who ever ſince have been wanderers up and down the Earth, and ſojourners in ſtrange Lands, and have had no City or fixed Habitation to dwell in.

7. The example and courſe of the Maſter was followed by his Diſciples that knew him in thoſe times, and will be chearfully ſubmitted unto, (if God ſhall require it) by all ſuch who in our time ſhall be acquainted with the Lord Jeſus, to ſuffer with patience and joy, the Perſecutions which the Enemies of Chriſt ſhall inflict upon them, whereof our Saviours predictions was ;

They ſhall deliver you up to be afflicted and ſhall kill you, and ye ſhall be hated of all Nations for my names ſake, and then ſhall many be offended, and ſhall betray one another, and ſhall hate one another : But he that ſhall endure to the end, ſhall be ſaved. Matt. 24. 9, 10, 13.

That this was fulfilled in the Perſecution of the Diſciples of Chriſt, appears too evidently in the Eccleſiaſtical ſtory, and the particulars thereof are too many to be inſerted in this ſhort Treatiſe ; they may at large and with ſorrow be peruſed in their Authors.

John

John the Baptiſt for diſpleaſing *Herodes Antipas* in his Doctrine and Opinion about his Brother *Philips* Wife was impriſoned, and afterwards in a kind of frolick beheaded by him.

Euſeb. l. 2. c. 4. Joſ. Antiq. l. 8. c. 9. This *Herod* (as *Euſebius* and others teſtifie) was afterwards condemned to perpetual baniſhment.

Acts 8. 1. 3. *Saul* was himſelf a great perſecutor of the People of God, he was conſenting to the death of *Stephen*, and there was a great perſecution againſt the Church: *As for Saul he made havock of the Church, entring into every Houſe, and haling men and Women committed them to Priſon.*

Acts 9. 1, 2. *And breathing out threatnings and ſlaughter againſt the Diſciples of the Lord, went unto high Prieſt and deſired of him Letters to Damaſcus to the Synagogues, that if he found any of this way* (Nonconformiſt) *whether they were men or women, he might bring them bound to Jeruſalem.*

This fierce perſecutor was miraculouſly convinced of his ſin (as all perſecutors one day will be) and he became himſelf a perſecuted Diſciple of Chriſt Jeſus.

2 Tim. 4. 17. Eutrop. l. 8. *Nero*, whom he calls the Lyon, and who was a fierce perſecutor of him (as *Eutropius* relates) was ſentenced by the Senate to whipped to death, which although he eſcaped, yet afterwards he ſlew himſelf.

Acts 12. 1, 2. *Herodes Agrippa ſtretched for his hands to vex certain of the Church, and he killed James the Brother of John with the Sword*; this perſecutor alſo periſhed by an horrible death.

Joſ. Antiq. l. 10. c. 7. Suetonius, Eutropius *Domitian* the preſecutor of *John* the Evangeliſt, was ſlain in his Bed by his own ſervants, his Wife conſenting to it, and his Carkaſs thrown into the Street by order of the Senate.

Throughout almoſt the whole Book of the Acts of the Apoſtles are ſtories of the perſecution of Chriſts Diſciples.

I confine my ſelf to thoſe Examples which occur in the Holy ſtory, nor can I mention but ſome of them, and muſt refer thoſe who deſire to look more particularly into this matter to the Eccleſiaſtical ſtory, where they will find ſtories of that horror and bitterneſs of perſecution againſt the People of God, and thoſe who profeſſed the Name of Chriſt Jeſus, that would melt a Pious heart, and thoſe horrible judgments of God againſt the perſecutors of his Servants, that may forewarn all perſecutors whatſoever from the wicked ways of perſecution, and deter them from impoſing upon men any thing contrary to that freedom of Conſcience, which is due to all that profeſs the Faith of Chriſt; and whoſoever by perſecution ſhall ſeek to take it from them, will enſnare themſelves in miſery probably here, certainly hereafter.

8. This

8. This Chapter may be concluded with ſome few further Obſervations upon the Examples before remembred from the holy Scripture.

By all which it appears evidently, that in all times, and in all places, the People and Servants of God have been under ſevere perſecutions; but what hath been the end and iſſue thereof? Eternal joy and comfort.

I know the Objection is obvious, that the Examples before remembred, and divers others which may occur, are not applicable to the ſubject matter of our preſent Diſcourſe; they are of perſecutions of the People of God, and of Chriſtians by Heathens, and by the *Jews*, who believed not that the Meſſias was come: but the matter now in Diſcourſe is of injoyning conformity in Sectaries and Schiſmaticks, by the lawful Power and Authority of the Rulers of the Church of Chriſt, and therefore theſe Examples come not to this matter.

But if a diſſenting Brother do judg or doubt, that what is impoſed on his Conſcience, is contrary to the will of God; He holds himſelf equally obliged not to conform thereunto, as the Ancient Primitive Chriſtians, or the *Jews* held themſelves bound not to conform to the Impoſitions of Heathen Emperors, Governours, in matters Spiritual.

And they do obſerve, that if God ſhewed ſo great diſpleaſure for thoſe Impoſitions of the Heathen upon his People; That, ſurely he will be as much diſpleaſed at the Impoſitions of Chriſtians upon Chriſtians, and of Proteſtants upon Proteſtants, in Spiritual Matters, and which are not Fundamental, and where the publick Peace is not diſturbed.

It may be further obſerved, that in all Examples of Perſecution, the Power and Authority of the King or Monarch, was made uſe of; and by the ſame Reaſon and Authority, his Power and Right of Indulgence may be exerciſed.

The Obſervation of powring out of the Wrath and Vengeance of God upon the Perſecutors of his People, hath been before in part noted, and may be found throughout the Stories of thoſe Paſſages.

And it is a greater breach of Charity and Chriſtian Duty, for a Profeſſor of Chriſt, than for an Unbeliever to perſecute a Servant of Chriſt Jeſus.

9. This Section and Chapter may be concluded with a Contemplation of the Comfort of Perſecution. It was the condition of the holy Apoſtle *Paul*, and will be the Condition of all faithful Servants of

2 Cor. 6. 4, 5, 8, 9, 10. of Chriſt, to be in much Patience in Afflictions, in Neceſſities, in Stripes, in Impriſonments, in Tumults, in Labours, in Watchings, in Faſtings, by Honour and Diſhonour, by evil Report and good Reports, as Deceivers, and yet True; as Unknown, and yet Well-known; as Dying, and behold we Live; as Chaſtened, and not Killed; as Sorrowful, and yet always rejoycing; as Poor, yet making many Rich; as having nothing, and yet poſſeſſing all Things.

Our Maſter Chriſt Jeſus, being Lord of all, yet was pleaſed to indure the greateſt Perſecution for our Sakes; ſhall not we then be willing to indure ſhort Perſecutions for his Sake, and the Goſpels? Theſe Perſecutions will be Comforts and Bleſſings to all that faint not, but perſevere in Righteouſneſs to the end.

Bp. *Hall*, Decad. 5. Epiſt. 5. The Diſcourſe of Biſhop *Hall*, is heavenly on this Subject.

The Bone that was disjointed, cannot be ſet right without Pain; no Potion can cure us, if it work not; it works not, unleſs it make us Sick; we are contented with the Sickneſs, which is the way to Health; we are afflicted, not overpreſſed; needy, not deſperate; perſecuted, not forſaken; caſt down, but periſh not.

Fear not, theſe Stripes are the Tokens of his Love; he is no Son that is not beaten, yea, till he Smart and Cry, if not till he Bleed. No Parent corrects anothers Child, and he is no good Parent that corrects not his own.

What we loſt in our height, we recover in our Miſery, a conformity to the Image of the Son of God. He that is not like his elder Brother, ſhall never be Co-heir with him. Lo, his Side, Temples, Hands, Feet, all bleeding; his Face blubber'd, ghaſtly, and ſpit on; his Skin all pearled with a bloody Sweat, his Head drooping, his Soul heavy to the Death.

No man can follow Chriſt without his Croſs, much leſs reach him; and if none ſhall reign with Chriſt, but thoſe that ſuffer with him; what ſhall become of thoſe jolly Ones of this World?

Go now, thou dainty Worldling, and pleaſe thy ſelf in thy happineſs; Laugh always, and be ever applauded; it is a woful Felicity that thou ſhalt find in Oppoſition to thy Redeemer.

He hath ſaid, Bleſſed are ye that weep; who can believe this, and not rejoyce in his own heart? Why bleſſed? For ye ſhall laugh.

Behold we ſhall weep on Earth, ſhall laugh in Heaven; we that now weep with Men, ſhall laugh with Angels; we that weep for a Time, ſhall laugh for Ever.

Who

Who would not be content to defer his Joy a little, that it may be Perpetual and Infinite?

In Heaven you ſhall ſee no more Palms than Croſſes; you ſhall ſee none crowned, but thoſe that have wreſtled with Croſſes and Sorrows, to Sweat, yea, to Blood, and have overcome; and overcoming, ye ſhall be crowned.

A reward truly great, a Crown for a few Groans; an Eternal Crown of Life and Glory, for a ſhort and momentary Suffering.

How juſt is St. *Pauls* account, *That the Afflictions of this preſent Life, are not worthy of the Glory which ſhall be ſhewed unto us.*

What ſay you, Would you not be afflicted? Would you not be perſecuted? Whether had you rather mourn for a while, or for ever? One muſt be choſen. Whether had you rather rejoyce for one fit, or always? you would do both. Pardon me, it is a fond Covetouſneſs, and idle Singularity; what, that you alone may fare better than all Gods Saints! That God ſhould make that way ſmooth to you, which all the Patriarchs, Prophets, Evangeliſts, Confeſſors, Chriſt himſelf, have found rugged and bloody!

A way with this Self-love, and come down you ambitious Sons of *Zebedee*, and ere you think of ſitting near the Throne, be content to be called to the Cup. Now is your tryal, let your Saviour ſee how much of his bitter Potion you can pledg, then ſhall ye ſee how much of his Glory he can afford; be content to drink of his Vinegar and Gall, and ye ſhall drink new Wine with him in his Kingdom.

The ſhorteſt Perſecution thou canſt undergo for the Satisfaction of thine own Conſcience, for the Truth of Chriſt, will prove the greateſt Bleſſing and Comfort to thy Soul.

CHAP. IX.

Obſervations upon Examples of Indulgence in Spiritual Matters.

1. IN this Argument, We may take a riſe from before the Flood, and find, that in all Ages to this day, generally Indulgence hath been given in Spiritual Matters, and the right of giving it, exerciſed by Monarchs; and we may begin with the Indulgence which *Noah* had.

Gen. 6. 9, 11. *Noah was a juſt man, and perfect in his Generations, and Noah walked with God, but the earth was corrupt before God, and filled with violence.*

Noah differed as much from the People of the Earth in his Perſwaſion, as could be; yet, even that corrupt Generation indulged *Noah* and his Family to enjoy the freedom of their Conſcience; and *Noah* himſelf was a Preacher of Juſtice, and as a *Rabbi* ſaith, he preached to the old World, and ſaid, Turn ye from your ways, and from your evil Works, that the Waters come not upon you, and cut off the whole Seed of the Sons of *Adam*.

2 Pet. 2. 5. Rabbi Eliezer, c. 22.

But ſome may object, That *Noah* was a King, and might give Indulgence to himſelf, and he received none from others.

It is acknowledged, that *Noah* was a King both before and after the Flood; and of the ten Kings of the *Chaldæans*, who reigned before the Flood, the laſt is reckoned by *Cedren* and others, to be *Xiſuther*, who was *Noah*; and in him ſome of the *Greek* Stories continue that Eaſtern Kingdom of the *Chaldæans*, through the Flood; and affirm that *Noah* was King about 180 years before the Flood, and that his Kingdom continued to his Death, and that then he bequeathed it to his Son *Seth*.

But I ſhall not make much inquiry into this matter; if he were a King, he gave good Example, by ſeeking to convert his People by preaching, rather than by puniſhing of them.

If he were not a King, then was the Indulgence that he enjoyed the more conſiderable, and may be alſo exemplary.

2. The next Indulgence which we meet with in order of time in the holy Story, is that which was enjoyed by the holy Patriarchs.

Every Father of a Family, was Prince and Prieſt in his Family, and ordered matters of Divine Worſhip as he thought beſt; and we read of no Perſecutions among them.

Gen. 12. 3, 5, 6, 7, 8. *Abraham* by the Direction of God, with his Wife, and his Nephew *Lot*, and all their Family, went from *Haran* into *Canaan*, and there built an Altar, and called upon the name of the Lord.

And tho the *Canaanite* was then in the Land; yet Godly *Abraham* would not neglect the true Worſhip of God, even amongſt thoſe Unbelievers; neither did any of them diſturb him, tho his Perſwaſion differed much from theirs in Spiritual Matters; but he was indulged therein, both while he was there, and when he was in *Egypt*, and in his return to *Canaan*.

* Gen. 19. 1 Seld. de Synedr. l. 1. c. 15. Bereſhith. Rabba Parash. f. 56. col. 1. דראין דראין

After * *Lot* parted from him, he was not only indulged in wicked *Sodom*, but preferred by them to be Chief Juſtice in the City, as their *Rabbins*, and other Authors, and the Original it ſelf in this Signification of the Words uſed in this Chapter, do teſtifie. *Abraham*

Abraham was alſo indulged by the King of *Gerar*, tho he *thought ſurely the fear of God is not in this place.* Gen. 20. 11.

Iſaac injoyed his Freedom with a ſucceeding *Abimelech*, King of *Gerar*, who ſaith, *We have not touched thee, we have done unto thee nothing but good, and have ſent thee away in peace.* Even *Philiſtines* indulged this Servant of God, and amongſt them he built an Altar, and worſhipped his God without diſturbance. Gen. 26. 29, 23.

Jacob payed his Devotions at *Bethel*, and had his Liberty and Indulgence in *Labans* Houſe, from whoſe perſwaſion in Spiritual Matters, he much differed.

In his return from thence, in the Land of *Canaan*, he purchaſed a Field, and built an Altar, and was indulged by *Hamor* the *Hivite*, Prince of the Country. He enjoyed the like Freedom at *Bethel*, and in *Egypt*, after he went down thither; both he and all his Family enjoyed their Liberty in Spiritual Matters, and were not diſturbed for many years. Gen. 33. 18, 19, 20. Gen. 35. 5.

Hereupon it may be obſerved, That this Indulgence was given by Kings, and allowed to the Servants of God, even by *Philiſtines*; much more may the like be expected from Proteſtants, to their Brethren.

The next Indulgence that we meet with in time the holy Story, was that given by *Pharoah* King of *Egypt*, to the *Iſraelites*,

The Lord was with Joſeph, and he was a proſperous man; and the *Egyptian* his Maſter, not only gave him the Liberty of his Conſcience, but preferred him to be Overſeer of his Houſe, and his godly Diſpoſition appeared in his Carriage to his Miſtreſs. Gen. 39. 2, 4.

After he had interpreted *Pharaohs* Dream, tho he much differed in his perſwaſion in Spiritual Matters from the *Egyptians*; yet the King ſeeing his Wiſdom and Spirit, *made him ruler of the Land, and to ride in the ſecond Chariot, and they cried before him, Bow the Knee.* The *Hebrew* word, for which *Abrech* ſignifies, Father of the tender King, or the tender Father of the King, which was the higheſt Title and Honour whereof a Subject was capable among them, and the higheſt truſt that could be under the King, was conferred on *Joſeph*, tho he was a Nonconformiſt. Gen. 41. 41, 42, 43. אברך Chaldees of Onkeles and Knathan Hieroſol. Targum.

And the difference of Perſwaſion in Spiritual Matters, between the *Hebrews* and the *Egyptians*, was ſuch, That they would not eat together, as appears in the Entertainment which *Joſeph* made for his Brethren. When *they ſet on bread for him by himſelf, and for them by themſelves, and for the Egyptians by themſelves, becauſe the Egpytians might not eat bread with the Hebrews, for that is an abomination to the Egyptians.* Gen. 43. 32.

Coment. Pererii in Gen. 43. 33.

The reaſon whereof (as *Pererius* notes) was becauſe the *Hebrews* killed the Cattle for their food and ſacrifice, and eat of them, which the *Egyptians* worſhipped as their Gods; therefore the perſwaſion of *Joſeph*, and of his Father *Jacob*, and of his Brethren, was ſufficiently different from that of the *Egyptians* in Spiritual matters, yet were they therein indulged by *Pharaoh*, and his Succeſſors. And we read of no diſturbance of them in thoſe matters until *Moſes* required of *Pharaoh* an Indulgence for them to go into the Wilderneſs to ſacrifice to their God, which the King denied, becauſe God had hardened his heart, and purpoſed to manifeſt his own power, and his mercy to his people, in delivering them from bondage; and what was the iſſue of the denial of that Indulgence, is ſet forth by *Moſes* in his Story of it.

4. This may lead us to a conſideration of what Indulgence was granted by *Moſes* to the *Iſraelites* themſelves, being next in order of time.

It is agreed by all Authors, that *Moſes* had Supreme Spiritual Juriſdiction in him, as his judgments in Spiritual Caſes given by him do teſtifie.

But in his judgments in Spiritual Caſes, we find none againſt any ones freedom of Conſcience and Opinion, except in caſe of Idolatry, Breach of ſome poſitive Law of God, or for Blaſphemy.

And in that of Blaſphemy in the caſe of the *Iſraelitiſh* Womans Son whoſe Father was an *Ægyptian*, *Moſes* would adjudg no puniſhment of him till firſt the mind of the Lord might be ſhewed, who commanded that he ſhould be put to death.

Many *Egyptians* and Strangers came out of *Egypt* with the *Iſraelites*, but we read of no Perſecution of any of them for different Opinions, nor any puniſhed for any Spiritual matter, but in the caſes before mentioned.

But it may be objected, That *Moſes* was not a Soveraign King, and could not Exerciſe that Juriſdiction as other Kings might in ſuch caſes, which perhaps was the reaſon that ſuch Diſſenters were not puniſhed.

To which is anſwered, That *Moſes* was a Soveraign King, as Abſolute as any other Prince, and knew as much of the mind of God as ever any King did, which was revealed to him; and accordingly he Exerciſed his Kingly Authority both in this matter of Indulgence, and in all other matters.

Deut. 33. 5.

That he was King, appears in the expreſs terms of the Text, *And he was King in Jeſhurun.*

So

So the *Hebrew* reads it, and the *Chaldee*, *Syriac*, and *Perſick* Verſions, for *Jeſhurun*, do read *Iſrael*. וַיְהִי בִישֻׁרוּן מֶלֶךְ

So do the *Spaniards*, *And he was King in Iſrael.*

The *Germans* agree herewith; and a little before in the *Song of Moſes*, *But Jeſhurun waxed fat and kicked.* The *Mauritanians* read it, *The Nation of the Jews waxed fat*, and upon that *in*, I ſaid, the *Greek* Verſion hath a Note for *Jeſhurun*, underſtand *Iſrael.* *Iſrael Roy.* Deut. 32. 15.

The Old *Engliſh* Tranſlation under *Hen.* 8. for *Jeſhurun*, hath *Iſrael.* Both Chriſtians and *Jews* agree that where it is ſaid, *He was King in Jeſhurun*, it is the ſame thing as if it had been ſaid, He was King in *Iſrael.* *Impinguata eſt gens Judaica.* Iſa. 44. 2.

The *Hebrew* Authors often call him *King*, as *Moſes our Maſter was King.* And *Moſes was King.* And the like Expreſſions often occur in them. Levis Gerſon in Perushtera, f. 245. col. 3.

Aben Ezra Maimon. Tract. Beth Habenura, c. 6. Sect. 1.

Another calls him, *Prince of Princes*, and a King over *Iſrael.* Philo de vita Moſis l. 2. c. 3.

Oxtius ſaith, *That in Kingly right he governed the people.* Jure regio populum Gubernavit.

Nazianzen affirms that he Exerciſed the *Office of Legiſlator, of Judg, and of King.* Nazianzen Orat. 6.

Selden holds that he was in truth, *King or Prince of the Iſraelits according to Divine Inſtitution.* *Selden* de Synedr. l. 2. p. 62.

But this may be cenſured of too much curioſity. I have the rather inſiſted thereon, to ſhew that he who was the *meekeſt man upon earth*, and highly indulged Gods people, was a *King*; and it will become all Kings to imitate his Pattern. Regem fuiſſe Moſen revera, &c.

5. Upon the ſame Ground, I proceed to the Indulgence of *Joſhua*, *Moſes* Succeſſor, who was alſo Prince or King in *Iſrael.* He had the ſame authority as *Moſes* had, delegated to him from God, and conſented to by the people, who promiſe him, *All that thou commandeſt us, we will do; and whitherſoever thou ſendeſt us, we will go; according as we hearkened unto Moſes in all things, ſo will we hearken unto thee.* Joſh. 1. 16.

We do not find that he was ſevere againſt any Diſſenters from his Opinion, but in his admirable Expoſtulation with the people, he leaves it to them: *If it ſeem evil unto you this day to ſerve the Lord, chuſe you this day whom you will ſerve, whether the Gods which your Fathers ſerved that were on the other ſide of the flood, or the Gods of the Amorites in* Joſh. 24. 15.

whoſe

whoſe Land ye dwell. Then he makes and declares his own profeſſion of Religion, *But as for me and my houſe, we will ſerve the Lord.*

He ſought not to convince the people by ſevere Laws and puniſhments, but by meek Exhortations and Admoniſhments, reaſoning the matter with them;

Joſh. 24. 20. *If ye forſake the Lord, and ſerve ſtrange Gods, then he will turn and do you hurt, and conſume you after that he hath done you good.*

Joſh. 24. 21, 22, 23, 24, 25. And the people ſaid, *Nay, but we will ſerve the Lord.* And *Joſhua* ſaid, *Ye are witneſſes againſt your ſelves that ye have choſen the Lord to ſerve him; and they ſaid, We are witneſſes. Now therefore,* ſaid he, *put away the ſtrange Gods which are among you, and incline your heart unto the Lord God of Iſrael.*

So Joſhua made a Covenant with the people, and ſet them a Statute and an Ordinance in Shechem.

This way of meekneſs and Indulgence *Joſhua* held the beſt way to perſwade the people to Conformity, to put away the ſtrange Gods which were among them, and to incline their heart unto the Lord God; and it is an excellent precedent to be followed.

6. The next in order is to conſider of the Indulgence which the Judges and Kings gave to the people of *Iſrael*, whereof there is not much to be gathered, more than what is before remembred in general, in the times of *Moſes* and *Joſhua*.

The times wherein there was no King in *Iſrael*, (that is, no Governour nor Government) when every one did that which ſeemed right in his own eyes, relate to Civil as well as Spiritual matters, and were rather times of Anarchy, than of Indulgence.

But both the *Judges*, who were Monarchs, and a kind of *Kings*, and the *Kings by name*, did generally indulge all Perſons in matters Spiritual, except in caſes of Blaſphemy, Idolatry, or breach of the known Law of God.

To write the Particulars of theſe times, would take up too much of ours; they are obvious in the Holy Story, which every ſervant of God will take delight to read.

And throughout all the paſſages of them, it will appear that they were indulgent to different perſwaſions in matters of their Law, wherein (as to Expoſitions, and ſome weighty points) there were many different opinions, whereof there will be occaſion to make ſome mention by and by, and that theſe Diſſenters were not puniſhed.

It will likewiſe be manifeſt, that all Indulgence in matters of this nature proceeded from the Judges and Kings, who by their Exerciſe thereof

thereof ſhewed that the Right of Indulgence was in them, though the Caſes before mentioned were not to be diſpenced with, but by ſinning againſt God, and tranſgreſſing the Law which he had given unto his People, and which will not be done by granting an Indulgence now deſired.

7. Time will be wanting to inſiſt on theſe, and I muſt omit many other examples in the Word of Truth of Indulgence in Spiritual matters, and come to that which may ſerve inſtead of all others: the unerring great Examp'ar, our Lord Jeſus, whoſe infinite wonderful indulgence and mercy to his unworthy Creatures, gives a ſharp rebuke to all perſecuting earthly powers, and fully inſtructs them to give indulgence to thoſe over whom he hath ſet them.

Our bleſſed Redeemer God Omnipotent, knew the inclinations and opinions of all mens hearts and ways, who were juſt and righteous, who were wicked and ungodly, who were ſincere, and who were hypocrites; who were faithful, and who unbelievers.

Yet was he graciouſly pleaſed to make no diſtinction, but indulged all, both *Jew* and *Gentile*, juſt and unjuſt, righteous and ſinful; he gave himſelf a Ranſom for all, that whoſoever believes in him ſhall have remiſſion of Sins, ſhall not periſh but have everlaſting Life. 1 Tim. 2. 6. Acts. 10. 43. John 3. 15.

Our Jeſus who inhabiteth Eternity, liveth for ever, and can do whatſoever pleaſeth him, was pleaſed in his great humility and mercy to Mankind, to come down from Heaven upon the Earth, and to take our vile Nature upon him.

How unfit is it for ſinful Duſt and Aſhes, whoſe Breath is in their Noſtrils, who are but as of yeſterday, to aſcend the Throne of God, to take his Authority on them, to ſit in Judgment upon the Hearts and Conſciences of Men?

The Lord of Life and Glory humbled himſelf, and became obedient to death, even the death of the Croſs, that he might thereby purchaſe his Enemies eternal Life.

How unanſwerable to this, is it for Powers made of Dirt, and without Foundations, to condemn their Friends to death, that will not be of the ſame judgment with theſe Rulers?

The ſearcher of Hearts allows a freedom to all mens Hearts and Conſciences to ſerve him in ſuch ways as they think moſt agreeable to his Divine Will.

How

How unfit it is for any earthly Governours to attempt an alteration of the frame of the hearts of men, to compel them to ſerve God in ſuch ways as are moſt agreeable to the will of the Governours, and contrary to the Hearts and Conſciences of thoſe whoſe good only is concerned.

Luke 4. 18. Chriſt exhorteth all to Kindneſs and Indulgence, and affirms, That he was ſent to heal the broken hearted. How unfit it is for his Vicegerents to wound yet more the broken hearted! He was ſent to preach deliverance to the Captives; How contrary is it, to proclaim impriſonment or baniſhment to thoſe whom Chriſt hath made free?

He was ſent to recover ſight to the Blind; thoſe who are ſent by him, have no Commiſſion to put out the Eyes of thoſe that ſee, to torment and puniſh their Brethren, becauſe they ſee not with their Rulers Eyes.

Chriſt was ſent to ſet at liberty them that are bruiſed; and ſurely he hath not ſent any of his Officers to bruiſe his Members, and to take away their liberty or lives from them.

The Son of God ſaith, *If the Son make you free, ye ſhall be free indeed.* How contrary is it for thoſe in Power to impoſe upon the Conſciences of them under Authority, whereby they take away that freedom which the Son, hath given to all his Servants?

He ſaith, *Ye ſhall be free.* But theſe impoſers ſay, Ye ſhall not be free.

Proud Fleſh contradicts the Spirit; Man, God; the Creature, his Creator and Redeemer.

8. The Holy Diſciples of our Lord Chriſt, inſpired and inſtructed by him, followed the Example of their Maſter, in giving Indulgence to others, though differing in ſome Opinions.

When the diſſention aroſe among the Brethren, touching Circumciſion, and the Apoſtles and Elders came together to conſider of it, *Peter* relates to them, *God made choice amongſt us, that the Gentiles*
Acts 15. *by my mouth ſhould hear the word of the Goſpel, and believe. And God which knoweth the heart, bare them witneſs, giving them the Holy Ghoſt, even as he did unto us, and put no difference between us and them, purifying their hearts by Faith. Now therefore why tempt ye God, to put a yoak upon the neck of the Diſciples, which neither our Fathers nor we were able to bear? But we believe, that through the Grace of our Lord Jeſus Chriſt, we ſhall be ſaved even, as they.*

Then *James* declares his Sentence, That we trouble not them, who from among the *Gentiles* are turned to God: Then he adviſeth, and accordingly it was agreed by the whole Church, to ſend them Meſſengers, and to write Letters by them.

Foraſmuch as we have heard, that certain which went out from us, have troubled you with words, ſubverting your Souls, ſaying, You muſt be circumciſed, and keep the Law, to whom we gave no ſuch Commandment: It ſeemed good to us, to ſend choſen men to you, with our beloved Barnabas and Paul.

For it ſeemed good to the Holy Ghoſt, and to us, to lay upon you no greater burden than theſe neceſſary things, That ye abſtain from meats offered to Idols, and from Blood, and from things Strangled, and from Fornication; from which if you keep your ſelves, ye ſhall do well. Fare ye well.

Here is a very high Example of Indulgence, warranted by the authority and judgment of the Apoſtles and Elders, and of the whole Church, and of the Holy Ghoſt likewiſe, to whom it ſeemed good not to lay burthens upon the Servants of Chriſt, but in neceſſary things; and it would be found more agreeable to the mind of the Holy Ghoſt to give this Indulgence, than to impoſe unneceſſary or Ceremonious burthens upon our Brethren.

The Holy Apoſtle *Paul* declares this Doctrine from the Holy Spirit: *One believes that he may eat all things; another who is weak, eateth Herbs*: Then he exhorteth to this Indulgence.

Let not him that eateth, deſpiſe him that eateth not; and let not him which eateth not, judg him that eateth. One man eſteemeth one day above another, another eſteemeth every day alike: let every man be fully perſwaded in his own mind.

But, why doſt thou judg thy Brother? Or why doſt thou ſet at naught thy Brother? We ſhall all ſtand before the Judgment-Seat of Chriſt. Let us not judg one another any more, but judg this rather, That no man put a ſtumbling Block, or an occaſion to fall, in his Brothers way. And he that doubteth, is damned if he eat, becauſe he eateth not of Faith; for whatſoever is not of Faith, is Sin.

We then that are ſtrong, *ought to bear the Infirmities of the weak,* Rom. 15. *and not to pleaſe our ſelves.* Let every one of us pleaſe our Neighbour for his good to Edification, which is not done by perſecuting mens Neighbours for their Nonconformity.

1 Cor. 8. 12 The ſame Apoſtle tells us, *When ye ſin ſo againſt the Brethren, and wound their weak Conſciences, ye ſin againſt Chriſt.*

And ſurely they do wound Mens weak Conſciences, who would force them to a Conformity.

1 Cor. 10. 29. He ſaith in another place, *Why is my Liberty judged of anothers Conſcience?* that is, it ought not to be ſo judged, every one ought to have his Liberty, as the Prophet commendeth it, *Ye had done right in* Jer. 34. 15. *proclaiming Liberty, every man to his Neighbour.*

2 Cor. 3. 17 St. *Paul* aſſerteth, That *where the Spirit of the Lord is, there is Liberty*; it followeth, that where a juſt Liberty is denied, that is by another Spirit.

Eph. 4. 32. He exhorts, *Be ye kind one to another, tender hearted*; which will ſcarce be thought of thoſe, who deny a juſt Indulgence. And *let each* Phil. 2. 3. *eſteem others better than themſelves*; which they do not, who perſecute others, becauſe they are not.

Gal. 4. 26. Jeruſalem *which is above, is free*; and we are exhorted to *ſtand faſt* and 5. 13. *in the Liberty wherewith Chriſt hath made us free*; we have been called unto Liberty.

Very many Admonitions and Expreſſions of the like Nature of the Diſciples of Chriſt, are obvious in the Holy Scripture; by which the Example of thoſe holy and inſpired Servants of Chriſt is left unto us; not only warranting, but in effect, injoining a juſt Freedom and Indulgence to be given to our Fellow-Chriſtians.

Upon the whole matter it ſeems to me (with Submiſſion to better Judgment) very evident,

That an Indulgence in matters Spiritual, is fit to be granted from the grounds of Polity and Piety.

To demonſtrate which, I have only in the general collected ſuch Grounds as I met with, and time allowed; whereby it ſeems to me fit that ſuch Indulgence be granted.

That the Supream Spiritual Juriſdiction is in Kings and Princes; and in *England*, in our Kings.

That as a conſequence thereof, the right of granting Indulgence in Spiritual Matters, is in his preſent Majeſty.

Then, I have offered ſome Anſwers to Objections againſt this Right.

Laſtly, I have made ſome few Obſervations upon Examples, in the holy Story, of *Perſecution*, and of *Indulgence* in Spiritual Matters. From all which, I may preſume to ſay, That to me (under Correction) it

ſeems

ſeems *manifeſt*, that our King hath this right of Indulgence; and that as it is of Right in our King, ſo 'tis one of the higheſt and cleareſt, and moſt beautiful *Flowers* of his *Crown*.

And that, if this right were not in the *King*, he would thereby be much diſabled from performing his Office as *King*, in preventing Miſchiefs and great Inconveniences to the Publick, in preſerving the *Trade*, *Wealth*, *Strength*, and *Peace* of his Kingdoms, in providing for his *Own*, and his Subjects *Security*; and in doing that, which will much tend to the *Honour of God*, to the *Happineſs* and *Welfare* of Himſelf and all his *People*, and to the general good of *Chriſtendom*.

The End.

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